

Ronald Reagan Presidential Library Digital Library Collections

This is a PDF of a folder from our textual collections.

Collection: Roberts, John G.: Files
Folder Title: JGR/Regulatory Oversight and
Control Act of 1983
(1 of 2)
Box: 47

To see more digitized collections visit:
<https://reaganlibrary.gov/archives/digital-library>

To see all Ronald Reagan Presidential Library inventories visit:
<https://reaganlibrary.gov/document-collection>

Contact a reference archivist at: reagan.library@nara.gov

Citation Guidelines: <https://reaganlibrary.gov/citing>

National Archives Catalogue: <https://catalog.archives.gov/>

THE WHITE HOUSE

WASHINGTON

October 7, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *GRS*

SUBJECT: Proposed Letter to Trent Lott
on Regulatory Reform Bill

Richard Darman has asked for comments by close of business today on a draft letter from Ken Duberstein to Congressman Trent Lott. On September 12 Lott sent the President a lengthy bill, now introduced as H.R. 3939, the "Regulatory Oversight and Control Act of 1983," and sought Administration support for its passage. A cursory review of the omnibus bill indicates that it would impose cost-benefit analysis requirements on agencies issuing regulations and authorize the President to review and monitor agency compliance with these requirements. The bill also contains a modified Bumpers Amendment, and a response to Chadha that would impose a generally applicable "report and wait" provision with joint resolution of approval required for major rules and an opportunity for a joint resolution of disapproval for minor rules.

Our office has not had an opportunity to evaluate carefully the 55-page bill, nor have the various departments throughout the executive branch. Any letter to Lott at this stage must accordingly be phrased in broad generalities. It is likely that we will oppose some provisions of Lott's bill, most notably the Bumpers Amendment (even as modified) and perhaps some aspects of the Chadha response. For example, the bill provides that rules that can only be blocked by a joint resolution of disapproval may go into effect prior to expiration of the 90-day waiting period upon rejection by either House of a disapproval resolution. This provision purports to give legal effect to Congressional action (one House's rejection of a resolution) without action by both Houses and presentment to the President, in violation of Chadha.

Much of Duberstein's letter is unobjectionable, simply noting that we have already testified in favor of predecessors of parts of Lott's bill, and that we have initiated a more detailed review. Duberstein's opinion that Lott's approach to legislative veto is consistent with Chadha should be deleted, however, pending Justice Department review. The last sentence in the penultimate substantive paragraph should also be changed, as it suggests

we will have a general "strategy" on legislative veto, and that we have not already been reviewing the matter for some time. My specific suggestions appear in the attached draft memorandum.

Attachment

THE WHITE HOUSE

WASHINGTON

October 7, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT
DEPUTY TO THE CHIEF OF STAFF

FROM: FRED F. FIELDING /S/
COUNSEL TO THE PRESIDENT

SUBJECT: Proposed Letter to Trent Lott
on Regulatory Reform Bill

Counsel's Office has reviewed the proposed letter from Ken Duberstein to Congressman Trent Lott concerning the "Regulatory Oversight and Control Act of 1983." As an initial matter, we would prefer to await the receipt of detailed comments from interested departments before responding to Lott. If some immediate response is considered necessary, it must be phrased in the most general terms and avoid specific comment.

With this in mind, the first sentence of the third paragraph is far too affirmative an expression of support for Title I of the bill, particularly since Title I contains a modified "Bumpers Amendment" that I am not certain the Administration will support. We suggest changing the sentence to read "Much of Title I of your bill appears to be drafted in the spirit of those bills and Executive Order 12291," and making it the last sentence of the previous paragraph.

The second sentence of the third paragraph should be deleted, and no comment should be made on Lott's approach to Chadha until the question has been reviewed by the Justice Department. While Lott's general approach is probably Constitutional, certain particulars appear invalid. For example, Lott's bill would permit regulations that could only be blocked by joint resolution of disapproval to become effective prior to the expiration of the 90-day waiting period upon rejection of a resolution of disapproval by one House. This gives legal effect to action by Congress (rejection by one House) that does not satisfy the bicameralism and presentment requirements of Chadha. Furthermore, the policy implications of Lott's approach should be reviewed prior to any comment.

We also recommend deletion of the last sentence of the fourth paragraph. As written the sentence suggests we have not yet begun a review of the legislative veto question, and

also suggests that we will have a "strategy" to announce on legislative veto. The former implication is inaccurate and the latter may well be. I think it best not to mention legislative veto at all in this letter, simply leaving that as one of the items on which OMB will be seeking agency comment.

THE WHITE HOUSE
WASHINGTON

Date 10.29.83

Suspense Date _____

MEMORANDUM FOR: *[Signature]*

FROM: DIANNA G. HOLLAND

ACTION

- _____ Approved
- _____ Please handle/review
- X _____ For your information
- _____ For your recommendation
- _____ For the files
- _____ Please see me
- _____ Please prepare response for
_____ signature
- _____ As we discussed
- _____ Return to me for filing

COMMENT

October 19, 1983

Dear Trent:

Thank you again for your letter of September 12 to the President enclosing information on what is now H.R. 3939, the "Regulatory Oversight and Control Act of 1983."

We believe that enactment of a general law providing the cost-benefit assessment and Executive Office review of individual agency rules would be a major advance -- one that would provide substantial lasting administrative benefits to our system of developing regulations. On September 21, we testified that we supported the applicable portions of the substitute H.R. 746 in 1982, and S. 1080 and H.R. 220 in 1983. Much of Title I of your bill appears to be drafted in the spirit of those bills and Executive Order 12291.

We will do all we can to work with you and other interested Members in drafting and winning approval for regulatory reform in this session of Congress. In the meantime, OMB is seeking detailed agency comments on H.R. 3939.

We greatly appreciate your interest and support and will be contacting you further as our review of this bill continues.

With best wishes,

Sincerely,

Kenneth M. Duberstein
Assistant to the President

The Honorable Trent Lott
House of Representatives
Washington, D.C. 20515

KMD:OMB:OPD:FFF:CMP:jid

cc: ~~Dick Darman~~
Fred Fielding
Roger Porter
Mike Uhlmann
Bob Bedell
B. Oglesby
Beth Strauss

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) _____Name of Correspondent: Richard G. DARMAN☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Letter to Cong. Trent Lott from Ken Duberstein
re: H.R. 3939 - "Regulatory Oversight and
Control Act"

ROUTE TO:

ACTION

DISPOSITION

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CWHOLL</u>	ORIGINATOR	<u>1 1</u>			<u>1 1</u>
	Referral Note:				
<u>CNATIB</u>		<u>1 1</u>		<u>S 83,10,</u>	
	Referral Note:			<u>CDB</u>	
		<u>1 1</u>			<u>1 1</u>
	Referral Note:				
		<u>1 1</u>			<u>1 1</u>
	Referral Note:				
		<u>1 1</u>			<u>1 1</u>
	Referral Note:				

ACTION CODES:

A - Appropriate Action
 C - Comment/Recommendation
 D - Draft Response
 F - Furnish Fact Sheet
 to be used as Enclosure

I - Info Copy Only/No Action Necessary
 R - Direct Reply w/Copy
 S - For Signature
 X - Interim Reply

DISPOSITION CODES:

A - Answered
 B - Non-Special Referral
 C - Completed
 S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
 Code = "A"
 Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.

Send all routing updates to Central Reference (Room 75, OEOB).

Always return completed correspondence record to Central Files.

Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 10/7/83

ACTION/CONCURRENCE/COMMENT DUE BY:

c.o.b. TODAY

SUBJECT: LETTER TO CONG. TRENT LOTT FROM KEN DUBERSTEIN RE H.R. 3939 -
"REGULATORY OVERSIGHT AND CONTROL ACT"

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	☐	☐	HERRINGTON	☐	☐
MEESE	☒	☐	HICKEY	☐	☐
BAKER	☒	☐	JENKINS	☐	☐
DEAVER	☐	☐	McMANUS	☐	☐
STOCKMAN	☐	☐	MURPHY	☐	☐
CLARK	☐	☐	ROGERS	☐	☐
DARMAN	☐ P	☒ SS	ROLLINS	☐	☐
DUBERSTEIN	☐	☒	SPEAKES	☐	☐
FELDSTEIN	☐	☐	SVAHN	☒	☐
FIELDING	☒	☐	VERSTANDIG	☐	☐
FULLER	☐	☐	WHITTLESEY	☐	☐
GERGEN	☐	☐		☐	☐

REMARKS:

Please provide any comments/recommendations by c.o.b. today.

Thank you.

RESPONSE:

Richard G. Darman
 Assistant to the President
 Ext. 2702

THE WHITE HOUSE

WASHINGTON

October 5, 1983

Dear Trent:

Thank you again for your letter of September 12 to the President enclosing information on what is now H.R. 3939, the "Regulatory Oversight and Control Act of 1983."

We believe that enactment of a general law providing the cost-benefit assessment and Executive Office review of individual agency rules would be a major advance -- one that would provide substantial lasting administrative benefits to our system of developing regulations. On September 21, we testified that we supported the applicable portions of the substitute H.R. 746 in 1982, and S. 1080 and H.R. 220 in 1983.

We are pleased that Title I of your bill is modeled in the spirit of those bills and Executive Order 12291. And we note, with interest, your new approach to legislative veto, one that appears consistent with the Supreme Court's recent decisions concerning legislative veto.

We will do all we can to work with you and other interested Members in drafting and winning approval for regulatory reform in this session of Congress. In the meantime, OMB is seeking detailed agency comments on H.R. 3939. The Cabinet Council on Legal Policy will soon be reviewing the whole Administration strategy on legislative veto and other related issues.

We greatly appreciate your interest and support and will be contacting you further as our review of this bill continues.

With best wishes,

Sincerely,

Kenneth M. Duberstein
Assistant to the President

The Honorable Trent Lott
House of Representatives
Washington, D.C. 20515

TRENT LOTT
5TH DISTRICT, MISSISSIPPI

REPUBLICAN WHIP

RULES COMMITTEE

ADMINISTRATIVE ASSISTANT
TOM H. ANDERSON, JR.

#16202
Congress of the United States

House of Representatives

Washington, D.C. 20515

September 12, 1983

2400 RAYBURN BUILDING
WASHINGTON, D.C. 20515
202-225-5772

DISTRICT OFFICES:
GULFPORT, MISSISSIPPI 39501
801-864-7870
HATTIESBURG, MISSISSIPPI 39401
801-582-3245
LAUREL, MISSISSIPPI 39440
801-846-1231

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

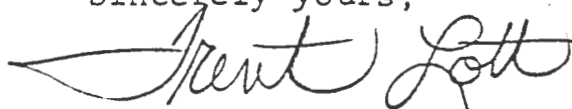
This is to inform you that on Tuesday, Sept. 20th, I will be joined by a group of House Republican leaders in introducing the "Regulatory Oversight and Control Act of 1983" as a response to the Supreme Court's recent decisions holding the legislative veto unconstitutional for regulations. I am enclosing the text and a summary of the bill for your information.

I would greatly appreciate your support for this important legislation. As you will note from the summary, my bill builds on your Executive Order of Feb. 17, 1981, on "Federal Regulation" (EO 12291) and the regulatory reform compromise for H.R. 746 worked-out between the White House, the Speaker, the House Judiciary Committee and the business community in the last Congress.

While part of the purpose of this bill is to reclaim some congressional control over regulations by requiring the approval of major rules and permitting the disapproval of other rules through the enactment of joint resolutions, the bill also extends much of the authority of your Executive Order to independent regulatory agencies as well as involving you in the congressional approval and disapproval actions relating to their regulations. In short, I think the bill has considerable appeal from both the standpoint of the Congress and the President, but most importantly ensures that the regulation process will be under the firm control of elected officials in both branches.

You are to be commended on making regulatory relief one of the key components of your economic recovery program, early in your Administration. But, as we approach a very crucial election, it is just as important that we build on those initiatives and not allow that commitment to wane. The initial reaction I have gotten from representatives of the business community to my bill has been very favorable and encouraging. But obviously for this effort to succeed we will need the full support of your Administration. I am available at your convenience to discuss this further with you or your representatives.

Sincerely yours,



Trent Lott

Enclosures

BRIEF SUMMARY OF THE "REGULATORY OVERSIGHT & CONTROL ACT OF 1983"

TITLE I -- AGENCY RULEMAKING IMPROVEMENTS

(Amendments to the Administrative Procedure Act)

Regulatory Analysis of Major Rules -- Agencies would be required to perform regulatory analyses of major rules and alternatives. Major rules are those which the agency or President determine would have an annual impact on the economy of \$100 million or more or would otherwise have a substantial impact. The agency would be required to choose the most cost-effective alternative unless another alternative is mandated by the underlying statute. The President (or the Vice President or other Executive Officer confirmed by the Senate) would establish guidelines for compliance and would review and monitor compliance. The Comptroller General may also monitor compliance.

Regulatory Agenda -- Each agency shall publish in the Federal Register in April and October of each year a regulatory agenda listing all rules the agency tends to propose, promulgate, modify, repeal or otherwise consider in the next 12-months. Certain information is required to be included with each rule listed on the agenda.

Agency Review of Existing Rules -- Not later than nine months after the effective date, each agency shall publish in the Federal Register a schedule for the review of existing major rules over the next ten years. A final schedule would be published not later than six months later, after public comment. The President could add rules to this review schedule. The reviews would be subject to the same comment and analysis requirements as new major rules.

Sunset for Major Rules -- All newly proposed and existing major rules scheduled for review shall include a date on which they shall cease to be effective, not later than 10 years after they are initially effective, in the case of new rules, and according to their sunset review schedule for existing rules.

Informal Rulemaking Process -- The informal rulemaking process is amended to provide greater notice, information, and opportunity for oral and written public comment.

Judicial Review (modified "Bumpers Amendment") -- When agency actions are challenged in the courts, the courts shall independently decide all relevant questions without according any presumption in favor or against the actions.

Appeals of Agency Orders ("race to courthouse" problem) -- When agency actions are challenged in two or more courts of appeals within ten days of their issuance, the Administrative Office of the U.S. Courts shall, by random selection, designate one court in which the record shall be filed.

Intervenor Funding -- Federal funds could not be used for public participation in agency rulemaking proceedings unless specifically authorized by law.

TITLE II -- CONGRESSIONAL REVIEW OF AGENCY RULES

(Amendments to Administrative Procedure Act)

Submission and Review of Agency Rules -- Agencies would be required to submit most rules of general applicability to Congress for a 90-day review period. The rules would be referred to one committee of primary jurisdiction in each House or to an ad hoc committee if more than one committee has primary jurisdiction.

(OVER)

Congressional Action on Rules -- Major rules could not take effect unless a joint resolution of approval is enacted within 90-days of continuous session of Congress; other rules could take effect unless a joint resolution of disapproval is enacted within the 90-day period, and could take effect sooner if neither House has acted on a resolution within 60-days or if either House has rejected a resolution.

Committee Consideration of Resolutions -- In the case of major rules, resolutions of approval must be introduced by the chairman (or his designee) of the committee to which the rule is referred within one day after the rule is received, and the committee would be required to report the resolution not later than 45-days after receipt of the rule, or would thereafter be discharged of the resolution. Other rules would be subject to joint resolutions of disapproval which the committee could report at its own discretion or would be required to report if a "motion for consideration" is filed within 25-days after the rule is received and is signed by one-fourth of the membership of the House involved not later than 30-days after the rule is received. If the committee has not reported such a resolution within 45-days after receipt of the rule, the resolution would be discharged.

Floor Consideration of Resolutions -- Resolutions reported or discharged would be referred to the appropriate calendar of the House involved, a motion to proceed to their consideration would be privileged and, if adopted, debate on major rules resolutions would be for two-hours, and for other rules resolutions, one-hour. If one House receives a resolution from the other House and has not reported or been discharged of its own resolution within 75-days after the rule is received, the resolution of the other House would be placed on the appropriate calendar.

TITLE III -- REGULATORY OVERSIGHT & CONTROL AMENDMENTS TO HOUSE RULES (Amendments to the Rules of the House)

House Regulatory Review Calendar -- A Regulatory Review Calendar would be established in the House to which all joint resolutions of approval and disapproval would be referred once reported or discharged from committee. The Calendar would be called on the first and third Monday and second and fourth Tuesday of each month after the approval of the Journal. Priority consideration would be given to resolutions for rules whose review period would expire before the next calling of the Calendar. Motions to proceed to the consideration of a resolution would be nondebatable except for resolutions discharged pursuant to a "motion for consideration" signed by one-fourth of the membership, in which case the motion would be debated for twenty minutes.

Regulatory Appropriations Riders -- The present House rule restricting the offering of limitation amendments to appropriations bills would be amended. At present such limitation amendments can only be offered after other amendments are disposed of and only if the House votes down a motion that the Committee of the Whole rise. Under the proposed rule change, limitation amendments could be considered during the initial amendment process with respect to regulations for which a resolution of disapproval has not been considered by the House, or has been passed but not enacted, during the specified review period.

Oversight Improvements -- Committees would be required to formally adopt oversight plans at the beginning of a Congress and their funding resolutions could not be considered until the plans have been submitted to the Government Operations Committee. Committees would also be required in their final oversight reports to relate their actual oversight activities and accomplishments to their original plans. The Speaker could create special ad hoc oversight committees, subject to House approval.

98th CONGRESS
1st Session

H. R. -----

IN THE HOUSE OF REPRESENTATIVES

Mr. Lott introduced the following bill; which was referred to
the Committee on -----

A BILL

To amend title 5, United States Code, and the Rules of the House
of Representatives and the Senate to make regulations more
cost-effective, to ensure review of rules, to improve
regulatory planning and management, to provide for periodic
review of regulations, and to enhance public participation
in and congressional oversight and control of the regulatory
process, and for other purposes.

- 1 Be it enacted by the Senate and House of Representatives
- 2 of the United States of America in Congress assembled,

short title

Section 1. This Act may be cited as the "Regulatory Oversight and Control Act of 1983".

TABLE OF TITLES

TITLE I--AGENCY RULEMAKING IMPROVEMENTS
TITLE II--CONGRESSIONAL REVIEW OF AGENCY RULES
TITLE III--REGULATORY OVERSIGHT AND CONTROL AMENDMENTS TO HOUSE RULES

Effective date

Sec. 2. This Act shall take effect 180 days after the date of the enactment of this Act, except that the provisions of subchapter II of chapter 6 of title 5, United States Code, as added by section 101(c) of this Act, the amendment made by section 102(a) of this Act, the amendment made by section 104 of this Act (to the extent such amendment applies to rules), and the amendment made by section 201(a) of this Act shall apply only to rules for which notice of proposed rulemaking is given after such effective date and to rules promulgated after such effective date for which a notice of proposed rulemaking is not required.

TITLE I--AGENCY RULEMAKING IMPROVEMENTS

Sec. 101. (a) Chapter 6 of title 5, United States Code, is amended--

(1) by inserting immediately after the chapter heading the following:

1 ``SUBCHAPTER I--REGULATORY FLEXIBILITY'';

2 (2) by inserting immediately before section 601 the
3 following:

4 ``SUBCHAPTER I--REGULATORY FLEXIBILITY'';

5 and

6 (3) by striking out ``this chapter'' each place it
7 appears and inserting in lieu thereof ``this
8 subchapter''.

9 (b) Such chapter 6 is further amended by inserting at
10 the end of the chapter analysis the following:

 ``SUBCHAPTER II--ANALYSIS OF AGENCY PROPOSALS

 ``Sec.

 ``621. Definitions.

 ``622. Additional procedures for major rules.

 ``623. Judicial review.

 ``624. Executive oversight.

 ``625. Review by Comptroller General.

 ``626. Authority of agencies and the President.

``SUBCHAPTER III--ESTABLISHING AGENCY PRIORITIES AND SCHEDULES
FOR COMPLETING PROCEEDINGS

 ``631. Regulatory agenda.

 ``SUBCHAPTER IV--AGENCY REVIEW OF RULES

 ``641. Review of rules.''.
11 (c) Such chapter 6 is further amended by adding at the
12 end thereof the following:

13 ``SUBCHAPTER II--ANALYSIS OF AGENCY PROPOSALS

14 ``621. Definitions

15 ``(a) For purposes of this subchapter, subchapter III,

1 and subchapter IV--

2 “(1) the term ‘agency’ means an agency as defined
3 in section 551(1) of this title;

4 “(2) the term ‘benefit’, except as used in
5 subsection (D)(2)(B) of this section, means any direct
6 or indirect beneficial economic, health, safety,
7 environmental, or other effect;

8 “(3) the term ‘cost’ means any direct or indirect
9 adverse economic, health, safety, environmental, or
10 other effect;

11 “(4) the term ‘economic cost’ means a cost (as
12 defined in paragraph (3) of this subsection) that is
13 reasonably quantifiable in monetary terms;

14 “(5) the term ‘rule’ means a rule as defined in
15 section 551(4) of this title but does not include--

16 “(A) a rule of particular applicability
17 relating to rates, wages, corporate or financial
18 structures or reorganizations thereof, prices,
19 facilities, appliances, services, or allowances
20 therefor or to valuations, costs or accounting, or
21 practices relating to such rates, wages, structures
22 or reorganizations, prices, facilities, appliances,
23 services, or allowances;

24 “(B) a rule relating to monetary policy
25 proposed or promulgated by the Board of Governors of

the Federal Reserve System;

“(C) a rule that is required by statute to be made on the record after an opportunity for an agency hearing; or

“(D) a rule described in section 553(a) of this title;

“(6) the term ‘major rule’ means a rule or group of closely related rules that--

“(A) imposes economic costs which are likely to result in an annual impact on the economy of \$100,000,000 or more; or

“(B) otherwise is designated a major rule by the agency proposing the rule, or by the President (not later than thirty days after the publication of the notice of proposed rulemaking for that rule)--

“(i) because the rule would have significant adverse effects on the environment, health or safety, competition, employment, investment, productivity, innovation, or the ability of enterprises, the principal places of business of which are in the United States, to compete in domestic or export markets; or

“(ii) because the rule would cause a substantial increase in costs or prices for wage earners, consumers, individual industries,

1 nonprofit organizations, Federal, State, or
2 local government agencies, or geographic
3 regions.

4 `` (b)(1) Any designation of a major rule made by the
5 President under subsection (a)(6)(B) of this section shall
6 be published in the Federal Register, together with a
7 succinct statement of the basis for the designation. The
8 President may not delegate his authority to make such a
9 designation.

10 `` (2) The term 'major rule' as defined in subsection
11 (a)(6)(A) of this section does not include--

12 `` (A) a rule involving the internal revenue laws of
13 the United States;

14 `` (B) a rule relating to the viability, stability,
15 asset powers, or categories of accounts of, or
16 permissible interest rate ceilings applicable to
17 depository institutions, the deposits or accounts of
18 which are insured by the Federal Deposit Insurance
19 Corporation, the Federal Savings and Loan Insurance
20 Corporation, or the Share Insurance Fund of the National
21 Credit Union Administration Board;

22 `` (C) a rule promulgated under the Agricultural
23 Adjustment Act to encourage or to regulate the orderly
24 marketing of agricultural commodities and products, or a
25 rule promulgated under the Agriculture Act of 1949 to

1 make available price support for agricultural
2 commodities and products; or

3 "(D) a rule promulgated on an annual basis which
4 governs the hunting of migratory birds.

5 "§622. Additional procedures for major rules

6 "(a) Before providing notice of proposed rulemaking for
7 any rule, the agency proposing the rule shall determine
8 whether the rule is a major rule and shall include in that
9 notice an explanation of that determination.

10 "(b) Not later than the date on which an agency
11 provides notice of proposed rulemaking for a major rule (or,
12 in the case of a rule designated by the President under
13 section 621(a)(6)(B) of this title, as soon as reasonably
14 practicable after such designation), the agency shall
15 issue--

16 "(1) a statement of the need for, and objectives
17 of, the proposed rule;

18 "(2) a description of those reasonable alternatives
19 to the proposed rule and its main elements that may
20 accomplish the stated objectives of the proposed rule in
21 a manner consistent with the applicable statutes, and,
22 subject to paragraph (4)(C) of this subsection, if the
23 proposed rule does not have lower economic costs than
24 each such alternative, an identification of the
25 alternative which has the lowest economic costs;

1 “(3) an analysis of the need, if any, for the
2 establishment or application of requirements in the
3 proposed rule in order to accommodate regional
4 differences, including economic, environmental,
5 demographic, and land-use differences;

6 “(4)(A) an analysis of the benefits and costs of
7 the proposed rule and of each of the principal
8 alternatives described in paragraph (2) (including,
9 where applicable, the alternative identified in such
10 paragraph having the lowest economic costs);

11 “(B) a comparison of the cost effectiveness of the
12 proposed rule and each of the principal alternatives;
13 and

14 “(C) where it is not expressly or by necessary
15 implication inconsistent with the provisions of the
16 statute pursuant to which the agency is proposing the
17 rule, an explanation of how the benefits of the proposed
18 rule are likely to justify the costs of the proposed
19 rule, and an explanation of how the proposed rule is
20 likely to achieve substantially the rulemaking
21 objectives in a more cost-effective manner than the
22 alternatives to the proposed rule;

23 “(5) an analysis, where applicable, of the relative
24 advantages and disadvantages of adopting performance
25 standards rather than design standards in the proposed

rule;

“(6)(A) an identification of any scientific, economic, or other technical report or study upon which the agency has relied substantially or expects to rely substantially in the rulemaking; and

“(B) a description of how the agency has evaluated or intends to evaluate the quality, reliability, accuracy, and relevance of any such scientific or economic report or study; and

“(7) if the proposed rule would regulate activities which, before the rule was proposed, were regulated only by State law, a statement of the legal authority for the agency to regulate such activities.

“(c) Not later than the date on which an agency provides notice of the promulgation of a major rule, the agency shall issue--

“(1) a statement of the need for, and the objectives of, the rule;

“(2) a description of those alternatives to the rule with respect to which an analysis was made pursuant to subsection (b)(4);

“(3) an analysis of the extent to which the requirements of the rule reflect regional differences, including economic, environmental, demographic, and land-use differences;

1 “(4) an analysis of the benefits and costs of the
2 rule;

3 “(5) an explanation, where applicable, for the
4 adoption of design standards rather than performance
5 standards in the rule;

6 “(6)(A) an identification of any scientific,
7 economic, or other technical report or study upon which
8 the agency relied substantially in the rulemaking; and

9 “(B) a description of how the agency evaluated the
10 quality, reliability, accuracy, and relevance of any
11 such scientific or economic report or study; and

12 “(7) if the rule regulates activities which, before
13 the issuance of the rule, were regulated only by State
14 law, a statement of the legal authority for the agency
15 to regulate such activities.

16 An agency may not issue a final major rule unless, where it
17 is not expressly or by necessary implication inconsistent
18 with the provisions of the statute pursuant to which the
19 agency is promulgating the rule, the agency makes a
20 reasonable determination, based upon the rulemaking file
21 considered as a whole, that the benefits of the rule justify
22 the costs of the rule, and that the rule will substantially
23 achieve the rulemaking objectives in a more cost-effective
24 manner than the alternatives described in the rulemaking,
25 and includes that determination in the material issued

1 pursuant to this subsection.

2 “(d)(1) In lieu of preparing material required by
3 subsection (b) or (c) of this section, an agency may
4 incorporate by reference in any material that it issues
5 pursuant to either such subsection information contained in
6 any other statement or analysis, to the extent that such
7 information satisfies any of the requirements of either such
8 subsection.

9 “(2) Each agency shall include, in the notice of each
10 proposed and final major rule, a statement of how the public
11 may obtain copies of the material issued pursuant to
12 subsections (b) and (c). An agency may charge a reasonable
13 fee for the copying and mailing of such material. Such
14 material shall be furnished without charge or at a reduced
15 charge where the agency determines that waiver or reduction
16 of the fee is primarily of benefit to the general public.

17 “(3) Subject to section 553(f)(2) of this title, each
18 agency shall include in the rulemaking file required by
19 section 553(f) of this title--

20 “(A) a copy of the material issued pursuant to
21 subsections (b) and (c) of this section and of any
22 transcript prepared pursuant to subsection (e) of this
23 section; and

24 “(B) a copy of any scientific, economic, or other
25 technical report or study that the agency actually

considered in connection with the rulemaking, if information in such report or study pertains directly to the rulemaking and was prepared by officers or employees of the agency or under contract with the agency.

“(4) Each agency shall send to the President a copy of all material issued pursuant to subsection (b) or (c) of this section.

“(e)(1) An agency shall, in the case of rulemaking to promulgate a major rule, provide an opportunity for oral presentation of views and information at informal public hearings. Transcripts shall be made of all such public hearings:

“(2) The agency shall permit cross-examination of individuals who present testimony, documents, or studies at such hearings but only to the extent the agency determines that other procedures would be inadequate for resolution by the agency of significant issues of fact upon which the rule is based. This paragraph shall not apply to any rulemaking for which cross-examination is otherwise required by statute.

“(3) The agency shall regulate the course of informal public hearings required by this subsection so as to ensure orderly and expeditious proceedings. The agency may take such actions as it considers necessary to achieve this objective, including--

1 “(A) limiting the time allowed for oral
2 presentations and cross-examination;

3 “(B) establishing procedures designed to limit
4 cross-examination to the significant issues of fact
5 referred to in paragraph (2) of this subsection; and

6 “(C) designating representatives to make oral
7 presentations or engage in cross-examination on behalf
8 of persons with a common interest in the rulemaking.

9 “(f) An agency may delay complying with any requirement
10 of this section with respect to a rule if--

11 “(A) the agency finds, for good cause, that
12 complying with such requirement before making the rule
13 effective would be impracticable, unnecessary, or
14 contrary to the public interest; and

15 “(B) the agency publishes the rule in the Federal
16 Register with a statement of such finding and a succinct
17 explanation of the reasons therefor.

18 Unless such a rule will, by its terms, cease to be effective
19 within two years after its effective date, the agency shall
20 comply with the requirements of this section with respect to
21 the rule as soon as reasonably practicable after
22 promulgating the rule.

23 “(g) The requirements of this section do not change the
24 standards applicable to agency action under any other
25 provision of law or relieve an agency of procedural

1 requirements imposed by any other provision of law.

2 ``§623. Judicial review

3 ``(a) In any action for judicial review of a rule, any
4 material issued under section 622 of this title may, to the
5 extent relevant, be considered by the court in determining
6 the lawfulness of the rule, but the court shall not have any
7 authority to review agency compliance or noncompliance with
8 the requirements of this subchapter or subchapter III or IV,
9 or to compel any action by the agency promulgating the rule
10 or to hold unlawful, set aside, or remand the rule on the
11 ground that the agency has failed to comply with one or more
12 of such requirements.

13 ``(b) Any exercise of authority granted under section
14 621, 624, or 641 of this title, or any failure to exercise
15 such authority, by the President or by an officer to whom
16 such authority has been delegated, shall not be subject to
17 judicial review in any manner.

18 ``§624. Executive oversight

19 ``(a) The President shall establish guidelines and
20 procedures for agency implementation of the requirements of
21 this chapter. The President shall monitor and review agency
22 actions and materials for compliance with the provisions of
23 this chapter and shall comment upon the adequacy of such
24 compliance.

25 ``(b) Any guidelines and procedures established by the

President for agency implementation of this chapter shall be adopted after the public has been afforded notice and an opportunity to comment thereon, and shall be consistent with the prompt completion of rulemaking proceedings. Such guidelines and procedures may provide for review and evaluation by the President of material the agency intends that it will issue under sections 622(b) and 622(c) of this title in order to comment upon whether such material complies with the requirements of this chapter. The time for any such review shall not exceed thirty days following receipt of the material by the President, except that the President may extend the time for such review for one additional period not in excess of thirty days.

“(c) Nothing in this section--

“(1) provides authority to the President, or limits any authority that the President may possess under the Constitution or other provisions of law--

“(A) to prevent an agency from proceeding with a rulemaking or issuing a proposed or final rule; or

“(B) to require an agency to modify a proposed or final rule or comply with the guidelines or procedures established pursuant to subsection (a) of this section;

“(2) changes the standards applicable to agency action under any other provision of law or relieves an

1 agency of procedural requirements imposed by any other
2 provision of law; or

3 "(3) relieves an agency of its responsibilities to
4 comply with the requirements of this chapter.

5 "(d)(1) The President may delegate the authority
6 granted by subsection (a) of this section, in whole or in
7 part, to the Vice President or to an officer within the
8 Executive Office of the President whose appointment has been
9 subject to the advice and consent of the Senate. Notice of
10 any such delegation, or any revocation or modification
11 thereof, shall be published in the Federal Register.

12 "(2) Any person to whom authority is delegated under
13 this subsection shall be subject to all of the provisions of
14 this section applicable to the exercise of such authority by
15 the President.

16 "\$625. Review by Comptroller General.

17 "(a) The Comptroller General of the United States may
18 review the compliance by agencies with the provisions of
19 this chapter.

20 "(b) Each agency shall make available to the
21 Comptroller General, in accordance with section 716 of title
22 31, United States Code, such information as the Comptroller
23 General may request in order to carry out subsection (a).

24 "\$626. Authority of agencies and the President

25 "(a) Nothing in this chapter--

1 “(1) limits agency jurisdiction to prescribe a
2 rule,

3 “(2) relieves an agency of statutory requirements
4 applicable to rulemaking, or

5 “(3) displaces rulemaking authority vested by
6 statute in an agency.

7 “(b) Nothing in this chapter limits the exercise by the
8 President of the authority and responsibility that he
9 otherwise possesses under the Constitution and other laws of
10 the United States.

11 “SUBCHAPTER III--ESTABLISHING AGENCY PRIORITIES AND
12 SCHEDULES FOR COMPLETING PROCEDURES

13 “§631. Regulatory agenda

14 “(a) Each agency shall publish a regulatory agenda in
15 the Federal Register in April and October of each year. Each
16 such agenda shall contain a list of all rules that the
17 agency expects to propose, promulgate, modify, repeal, or
18 otherwise consider in a rulemaking proceeding in the
19 succeeding twelve months. The agendas of all agencies shall
20 be published in a single issue of the Federal Register in
21 accordance with guidelines issued by the Director of the
22 Office of Management and Budget to ensure a useful, uniform,
23 and consistent publication.

24 “(b) With respect to each rule listed on a regulatory
25 agenda, the agenda shall include a description of the rule;

1 the objectives of and the legal basis for the rule; any
2 dates established or anticipated by the agency for taking
3 action, including dates for advance notices of proposed
4 rulemaking, notices of proposed rulemaking, and final agency
5 action; a statement of the sectors of the economy likely to
6 be affected by the rule; and the agency's assessment of
7 whether the rule is or is expected to be a major rule. If
8 consistent with any guidelines issued by the Office of
9 Management and Budget, an agency may consider a group of
10 closely related rules as one rule for the purpose of
11 providing the information required by this subsection.

12 “(c) Each regulatory agenda shall include a list of
13 rules scheduled to be reviewed in accordance with section
14 641 of this title during the succeeding twelve months and
15 the status of all rules listed on the previous agenda for
16 which rulemaking proceedings have not been completed or
17 which have not been explicitly withdrawn from consideration
18 by the agency.

19 “(d) Each regulatory agenda shall include the name,
20 address, and telephone number of an agency official
21 responsible for handling inquiries about each rule listed on
22 the agenda.

23 “(e) Failure of an agency to include a rule in a
24 regulatory agenda shall not preclude the agency from
25 proposing or issuing that rule.

1 ``SUBCHAPTER IV--AGENCY REVIEW OF RULES

2 ``§641. Review of rules

3 ``(a)(1) Not later than nine months after the effective
4 date of this section, each agency shall prepare and publish
5 in the Federal Register for comment a proposed schedule for
6 the review, in accordance with this section, of each rule of
7 the agency which is in effect on such effective date and
8 which, if adopted on such effective date, would be a major
9 rule under section 621(a)(6)(A) of this title, and of such
10 other rules as the agency has selected for review.

11 ``(2) At least ninety days before publishing in the
12 Federal Register, the proposed schedule required by paragraph
13 (1), each agency shall make the proposed schedule available
14 to the President. The President may select for review under
15 this section any additional rule that the President
16 determines to be a major rule under section 621(a)(6)(A) of
17 this title. The President may not delegate the authority
18 conferred by this paragraph.

19 ``(3) Each rule referred to in paragraphs (1) and (2) of
20 this subsection shall cease to be effective not more than
21 ten years after the date on which the final schedule is
22 published pursuant to paragraph (5) of this subsection.

23 ``(4) Each proposed schedule required by paragraph (1)
24 shall include a brief explanation of the reasons the agency
25 or the President, as the case may be, considers each rule on

1 the schedule to be a major rule or of the reasons why the
2 agency selected the rule for review, the date on which the
3 rule shall cease to be effective, and the date set by the
4 agency for the completion of the review of each such rule.
5 The agency shall set a date to initiate review of each rule
6 on the schedule in a manner which will ensure the
7 simultaneous review of related items and which will achieve
8 a reasonable distribution of reviews over the period of time
9 covered by the schedule.

12 “(5) Not later than six months after publishing the
11 proposed schedule as required by paragraph (1) of this
12 subsection, each agency shall publish in the Federal
13 Register a final schedule for the review of the rules
14 referred to in paragraphs (1) and (2) of this subsection.
15 The final schedule shall include the date on which each such
16 rule shall cease to be effective. Each agency shall publish
17 with the final schedule the response of the agency to
18 comments received concerning the proposed schedule.

19 “(6) Each agency shall include with the publication in
20 the Federal Register of a major rule a date for completion
21 of the review of the major rule. Each such major rule shall
22 cease to be effective not more than ten years after the date
23 of such publication. The agency shall include with such
24 publication the date on which the rule shall cease to be
25 effective.

1 “(b) The agency shall, pursuant to subsections (c)
2 through (e) of this section, review each rule on the final
3 schedule.

4 “(c) An agency shall publish notice in the Federal
5 register of the initiation of the review of a rule under
6 this section. The notice shall include--

7 “(1) an identification of the legal authority under
8 which the rule was promulgated and a determination by
9 the agency of whether the rule presently fulfills the
10 objectives of that authority;

11 “(2) a brief summary of the benefits and costs of
12 the rule during the calendar year preceding the
13 publication of such notice, and of the benefits and
14 costs the agency projects for the rule if it remains in
15 effect;

16 “(3) an analysis of whether the objectives of the
17 rule can be met through an alternative having lower
18 economic costs than the existing rule;

19 “(4) an analysis of whether greater benefits can be
20 achieved through an alternative having costs which are
21 comparable to those of the existing rule;

22 “(5) a description of any problems encountered by
23 the agency in obtaining compliance with the rule;

24 “(6) an analysis of the extent to which the rule
25 overlaps or duplicates other rules; and

1 “(7) a statement that the agency seeks comments
2 from the public as to whether the rule should be
3 retained, amended, or repealed.

4 An agency may include a group of closely related rules in a
5 single notice under this subsection.

6 “(d) After publishing the notice required by subsection
7 (c) of this section, the agency shall provide a period of
8 not less than sixty days during which the public may submit
9 comments in response to such notice.

10 “(e) Within one hundred and eighty days after the close
11 of the comment period required by subsection (c) of this
12 section, the agency shall take one of the following two
13 actions:

14 “(1) The agency shall publish a notice of proposed
15 rulemaking to reissue the rule or to amend the rule and
16 shall conduct a rulemaking proceeding with respect to
17 the rule in accordance with the requirements of this
18 chapter, if applicable, and of section 553 of this title
19 or any other applicable law. Such requirements and other
20 applicable requirements of law, including those relating
21 to judicial review, shall apply to the same extent and
22 in the same manner as in the case of a proposed agency
23 action to issue or amend a rule which is not taken
24 pursuant to the review required by this section.

25 “(2) The agency shall publish a notice of its

1 decision to allow the existing rule to expire, together
2 with a statement explaining the reasons for that
3 decision.

4 Any major rule which an agency determines to reissue or
5 amend pursuant to paragraph (1) of this subsection shall be
6 submitted to the congress in accordance with the provisions
7 of section 802 of this title in adequate time for review and
8 approval by the Congress, in accordance with chapter 8 of
9 this title, before the date on which the rule shall cease to
10 be effective.

11 "(f) An agency may, with the concurrence of the
12 President, alter the timing of review of rules under this
13 section if an explanation of such alteration is published in
14 the Federal Register at the time such alteration is made.
15 The President may direct an agency to alter the timing of
16 the review of rules under this section, except that the
17 President may not increase the number of rules to be
18 reviewed by one agency in any calendar year."

19 (d) The chapter heading of chapter 6 of title 5, United
20 States Code, is amended to read as follows:

21 "CHAPTER 6--PLANNING AND MANAGEMENT OF AGENCY FUNCTIONS".

22 (e) The chapter analysis of part I of title 5, United
23 States Code, is amended by inserting after the item relating
24 to chapter 5 the following new item:

"6. Planning and Management of

601".

Agency Functions

1 Rulemaking procedures

2 Sec. 102. Section 553 of title 5, United States Code, is
3 amended to read as follows:

4 ``§553. Rulemaking

5 ``(a) This section applies according to the provisions
6 thereof, except to the extent that there is involved--

7 ``(1) a military or foreign affairs function of the
8 United States;

9 ``(2) a matter relating to public property or
10 contracts or to agency management or personnel
11 practices; or

12 ``(3) any interpretative rule or general statement
13 of policy unless such rule or statement has general
14 applicability and substantially alters or creates rights
15 or obligations of persons outside the agency.

16 ``(b)(1) Notice of proposed rulemaking shall be
17 published in the Federal Register, unless persons subject to
18 the proposed rule are named and either personally served or
19 otherwise have actual notice of the rulemaking in accordance
20 with law. Each notice of proposed rulemaking shall include--

21 ``(A) a statement of the time during which public
22 comments will be received concerning the proposed rule,
23 and the time, place, and nature of any informal public
24 hearings to be held concerning the proposed rule;

1 “(B) a statement of the specific objectives to be
2 attained by the proposed rule;

3 “(C) a statement of the specific legal authority
4 under which the rule is proposed;

5 “(D) either the terms or substance of the proposed
6 rule or a description of the subjects and issues
7 involved;

8 “(E) a statement that the agency seeks proposals
9 from the public for alternative methods to accomplish
10 the objectives of the proposed rule that are more
11 effective or less burdensome than the methods used in
12 the proposed rule; and

13 “(F) a statement of where the file of the
14 rulemaking proceeding required by subsection (f) of this
15 section may be inspected or copies of the file may be
16 obtained.

17 “(2) Except when notice or hearing is required by
18 statute, this subsection and subsection (c) do not apply to
19 rules of agency organization, procedure, or practice, or a
20 rule to the extent the agency for good cause finds that
21 notice and public procedure with respect to the rule are
22 impracticable, unnecessary, or contrary to the public
23 interest and publishes, at the time of publication of the
24 final rule, such finding and a brief statement of the
25 reasons therefor.

1 “(c)(1) An agency shall provide a public comment period
2 of at least sixty days after the issuance of a notice of
3 proposed rulemaking pursuant to subsection (b). During the
4 public comment period, the agency shall give interested
5 persons an opportunity to participate in the rulemaking
6 through submission of written data, views, or arguments with
7 or without opportunity for oral presentations. After the
8 consideration of the relevant matter presented, the agency
9 shall publish any rule adopted with a concise general
10 statement of the basis and purpose of the rule. The
11 statement shall include a response to the significant issues
12 raised by the comments concerning the proposed rule received
13 by the agency during the public comment period. When rules
14 are required by statute to be made on the record after an
15 opportunity for an agency hearing, sections 556 and 557 of
16 this title apply instead of this subsection.

17 “(2) In promulgating a rule, unless otherwise permitted
18 by law, an agency may not rely substantially on any report,
19 study, or other document containing significant factual
20 material of central relevance to the rulemaking that was not
21 placed in the rulemaking file at the time the notice of
22 proposed rulemaking was issued or, if publicly available,
23 identified in such notice, unless--

24 “(A) the public has had an adequate opportunity to
25 comment upon such report, study, or other document if it

1 was developed by or under contract with the agency; or

2 "(B) such report, study, or other document, if not
3 developed by or under contract with the agency, was
4 placed in the rulemaking file required by subsection (f)
5 of this section promptly after--

6 "(1) its receipt by the agency, in the case of
7 material received by the agency in the course of the
8 rulemaking proceeding, or

9 "(ii) its review by the agency, in the case of
10 material that was obtained by the agency outside the
11 course of the rulemaking proceeding.

12 For purposes of subparagraph (A) of this paragraph, an
13 agency shall be deemed to have afforded an adequate
14 opportunity to comment on any document received during or
15 after the initial comment period if it provides an
16 additional comment period of twenty-one days from the date
17 on which notice of such additional comment period is
18 published in the Federal Register.

19 "(d) An agency issuing a final rule shall publish that
20 rule in the Federal Register, unless persons subject to the
21 rule are named and either personally served or otherwise
22 have actual notice of the rule in accordance with law. Such
23 publication or service shall be made not less than thirty
24 days before the effective date of the final rule, except in
25 the case of a rule that grants or recognizes an exemption or

1 relieves a restriction, or as otherwise provided by the
2 agency for good cause found and published with the rule.

3 “(e) Each agency shall give an interested person the
4 right to petition for the issuance, amendment, or repeal of
5 a rule.

6 “(f)(1) Except as provided in paragraph (2) of this
7 subsection, each agency shall maintain a file of each
8 rulemaking proceeding conducted pursuant to this section,
9 beginning no later than the date on which the agency issues
10 the notice of proposed rulemaking for that proceeding
11 pursuant to subsection (b) or, if the agency is not required
12 to issue such a notice, no later than the date the agency
13 first issues or receives material required to be included in
14 the file. The file shall be made available to the public and
15 shall include--

16 “(A) the notice of proposed rulemaking and any
17 supplemental notice concerning the rulemaking;

18 “(B) a copy of all written comments on the proposed
19 rule which were submitted to the agency after the
20 publication of the notice of proposed rulemaking;

21 “(C) all material which the agency by statute or
22 rule is required to issue in connection with the
23 rulemaking or which the agency decides to make part of
24 the record;

25 “(D) a copy of all written material pertaining to

1 the rule, including any drafts of the proposed or final
2 rule, submitted by the agency to the President or the
3 designee directed by the President to review proposed or
4 final rules for their regulatory impact; and

5 "(E) a written explanation of the specific reasons
6 for any significant changes made by the agency in the
7 drafts of the proposed or final rule which respond to
8 any comment received by the agency on the draft
9 proposed, proposed draft final, or final rule, made by
10 the President or the designee directed by the President
11 to review proposed or final rules for their regulatory
12 impact.

13 "(2) The file required by paragraph (1) of this
14 subsection need not include any material described in
15 section 552(b) of this title. If the agency is permitted by
16 law to rely on, and does rely on, such material in
17 promulgating a rule, the agency shall include in such file a
18 statement noting the existence of any such material and the
19 statutory basis upon which the material is exempt from
20 public disclosure. Notwithstanding the preceding sentence,
21 the file shall include all material described in
22 subparagraph (D) or (E) of paragraph (1).

23 "(3) No court shall hold unlawful or set aside an
24 agency rule because of a violation of subparagraph (D) or
25 (E) of paragraph (1) of this subsection unless the court

1 finds that such violation has precluded fair public
2 consideration of a material issue of the rulemaking taken as
3 a whole. Judicial review of compliance or noncompliance
4 with subparagraphs (D) and (E) of paragraph (1) of this
5 subsection shall be limited to review of action or inaction
6 on the part of an agency.''.
7

Judicial review

8 Sec. 103. Section 706 of title 5, United States Code, is
9 amended to read as follows:

10 ``§706. Scope of review

11 `` (a) To the extent necessary to decision and when
12 presented, the reviewing court shall independently decide
13 all relevant questions of law, interpret constitutional and
14 statutory provisions, and determine the meaning or
15 applicability of the terms of an agency action. The
16 reviewing court shall--

17 `` (1) compel agency action unlawfully withheld or
18 unreasonably delayed; and

19 `` (2) hold unlawful and set aside agency action,
20 findings, and conclusions found to be--

21 `` (A) arbitrary, capricious, an abuse of
22 discretion, or otherwise not in accordance with law;

23 `` (B) contrary to constitutional right, power,
24 privilege, or immunity;

25 `` (C) in excess of statutory jurisdiction,

1 authority, or limitations, or short of statutory
2 right;

3 "(D) without observance of procedure required
4 by law;

5 "(E) unsupported by substantial evidence in a
6 proceeding subject to sections 556 and 557 of this
7 title or otherwise reviewed on the record of an
8 agency hearing provided by statute; or

9 "(F) unwarranted by the facts to the extent
10 that the facts are subject to trial de novo by the
11 reviewing court.

12 "(b) In making the foregoing determinations, the court
13 shall review the whole record or those parts of it cited by
14 a party, and due account shall be taken of the rule of
15 prejudicial error.

16 "(c) In deciding questions of law pursuant to the
17 following sentences of this subsection, the court shall
18 exercise its independent judgment without according any
19 presumption in favor of or against agency action. In making
20 determinations on questions of law, other than statutory
21 jurisdiction, the court shall give the agency's
22 interpretation such weight as it warrants, taking into
23 account factors such as the discretionary authority provided
24 to the agency by law. In making determinations of law
25 concerning statutory jurisdiction under subsection (a)(2)(C)

1 of this section, the court shall determine whether the
2 agency's action is within the scope of the agency's
3 jurisdiction on the basis of the language of the statute or,
4 in the event of ambiguity, other indicia of ascertainable
5 legislative intent.

6 "(d) In determining whether agency action in adopting a
7 rule, other than a rule to which subsection (a)(2)(E) of
8 this section applies, is arbitrary, capricious, an abuse of
9 discretion, or otherwise not in accordance with law, the
10 court shall consider whether there is substantial support in
11 the rulemaking file, viewed as a whole, for determinations
12 of fact on which the agency was required to rely in adopting
13 the rule or which the agency asserted as the basis for the
14 rule."

15 Appeals of agency orders

16 Sec. 124. (a) Section 2112(a) of title 28, United States
17 Code, is amended by striking out the last three sentences
18 and inserting in lieu thereof the following: "If
19 proceedings are instituted in two or more courts of appeals
20 with respect to the same order, the court in which the
21 agency, board, commission, or officer concerned is to file
22 the record shall be determined as follows:

23 "(1) If within ten days after issuance of the order
24 the agency, board, commission, or officer receives
25 written notice, in a manner that the agency shall

1 prescribe by rule, that proceedings have been instituted
2 in two or more courts of appeals, the agency, board,
3 commission, or officer shall, promptly after the
4 expiration of that ten-day period, so inform the
5 Administrative Office of the United States Courts and
6 shall identify each such court in which such proceedings
7 are pending. As soon as is practicable after receiving
8 such notice, the Administrative Office of the United
9 States Courts shall designate one court, according to a
10 system of random selection, from among those identified
11 by the agency, board, commission, or officer, and the
12 record shall be filed in the court so designated.

13 “(2) If within ten days after issuance of the order
14 the agency, board, commission, or officer has received
15 written notice, as provided in the rules prescribed
16 pursuant to paragraph (1) of this subsection, that
17 proceedings have been instituted in only one court of
18 appeals, the record shall be filed in that court
19 notwithstanding the institution of any proceedings in
20 any other court of which such written notice was not
21 received by the agency, board, commission, or officer
22 within that ten-day period.

23 “(3) In all other cases, the record shall be filed
24 in the court in which proceedings with respect to the
25 order were first instituted.

1 All courts in which proceedings have been instituted with
2 respect to the same order, other than the court in which the
3 record is filed pursuant to this subsection, shall transfer
4 those proceedings to the court in which the record is so
5 filed. For the convenience of the parties in the interest of
6 justice, the court in which the record is filed may
7 thereafter transfer all the proceedings with respect to that
8 order to any other court of appeals. Until the record
9 concerning an order is filed in a court pursuant to this
10 subsection, any court of appeals in which proceedings with
11 respect to that order have been instituted within ten days
12 after the issuance of such order may, to the extent
13 authorized by law, postpone the effective date of the order
14 as necessary to permit the designation of a court pursuant
15 to paragraph (1) of this subsection. Such action by the
16 court may thereafter be modified, revoked, or extended by
17 the court in which the record is filed or by any other court
18 of appeals to which the proceedings are transferred.''.
19

20 (c) Section 604(a) of title 28, United States Code, is
21 amended by redesignating paragraph (17) as paragraph (18)
22 and by inserting immediately after paragraph (16) the
23 following new paragraph:

24 '(17) Where proceedings with respect to an order of
25 any agency, board, commission, or officer have been
instituted in two or more courts of appeals and the

1 agency, board, commission, or officer, pursuant to
2 section 2112(a)(1) of this title, has been notified of
3 such proceedings within ten days after issuance of the
4 order, administer a system of random selection to
5 determine the appropriate court in which the record is
6 to be filed;''.

7 Participation expenses

8 Sec. 105. (a) Subchapter I of chapter 5 of title 5,
9 United States Code, is amended by adding at the end thereof
10 the following new section:

11 ``§505. Participation expenses

12 `` (a) No agency may, except as provided in section 504
13 of this title or unless specifically authorized by any other
14 statute, provide financial assistance to pay the expenses of
15 persons participating or intervening in an agency
16 proceeding.

17 `` (b) For the purposes of this section--

18 `` (1) 'agency' means an agency as defined in section
19 551(1) of this title; and

20 `` (2) 'agency proceeding' means any agency
21 proceedings as defined in section 551(12) of this
22 title.''.

23 (b) The section analysis of chapter 5 of title 5, United
24 States Code, is amended by inserting after the item relating
25 to section 504 the following new item:

``505. Participation expenses.''.

1 Technical and conforming amendments

2 Sec. 106. (a) Section 551(4) of title 5, United States
3 Code, is amended by striking out ``services or allowances
4 therefor or of valuations, costs, or accounting, or
5 practices bearing on any of the foregoing'' and inserting in
6 lieu thereof ``services, or allowances therefor or of
7 valuations, costs or accounting, or practices relating to
8 such rates, wages, structures or reorganizations, prices,
9 facilities, appliances, services, or allowances''.

10 (b) Section 551(5) of such title is amended by striking
11 out ``rule making'' and inserting in lieu thereof
12 ``rulemaking''.

13 (c) Section 556(d) of such title is amended in the last
14 sentence by striking out ``rule making'' and inserting in
15 lieu thereof ``rulemaking''.

16 (d) Section 557(b) of such title is amended by striking
17 out ``rule making'' and inserting in lieu thereof
18 ``rulemaking''.

19 (e) The item relating to section 553 of title 5, United
20 States Code, in the section analysis of chapter 5 of such
21 title is amended by striking out ``Rule making'' and
22 inserting in lieu thereof ``Rulemaking''.

23 TITLE II--CONGRESSIONAL REVIEW OF AGENCY RULES

24 Sec. 201. (a) Part I of title 5 of the United States

1 Code is amended by inserting after chapter 7 the following
2 new chapter:

3 ``CHAPTER 8--CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

``Sec.

``801. Definitions.

``802. Congressional review of agency rules.

``803. Procedure for committee consideration of resolutions.

``804. Procedure for floor consideration of resolutions.

``805. Computation of calendar days of continuous session.

``806. Rulemaking power of Congress.

``807. Effect on judicial review.

4 ``§801. Definitions

5 `` (a) For purposes of this chapter--

6 `` (1) the term 'agency' means an agency as defined
7 in section 551(1) of this title;

8 `` (2) the term 'rule' means a rule as defined in
9 section 621(5) of this title which is subject to section
10 553 of this title;

11 `` (3) the term 'major rule' means a major rule
12 within the meaning of section 621 of this title;

13 `` (4) the term 'emergency rule' means a rule which
14 an agency may make effective, for a period of not more
15 than 210 days, notwithstanding any requirement for
16 public notice and comment and is promulgated pursuant to
17 a finding by the agency that delay in the effective date
18 would--

19 `` (A) seriously injure an important public
20 interest,

1 “(B) substantially frustrate legislative
2 policies, or

3 “(C) seriously harm a person or class of
4 persons without serving any important public
5 interest;

6 “(5) the term ‘promulgate’ or ‘promulgation’ means
7 to file or the filing of a final rule with the Office of
8 the Federal Register for publication;

9 “(6) the term ‘appropriate committee’ means--

10 “(A) the one committee of each House of
11 Congress which has primary legislative jurisdiction
12 over the statute under which a rule is promulgated
13 or over the agency which has promulgated a rule, or

14 “(B) if the presiding officer of the Senate or
15 the House of Representatives determines that there
16 is more than one standing committee of primary
17 jurisdiction described in subparagraph (A), a
18 special ad hoc committee, appointed by such
19 presiding officer, with the approval of the Senate
20 or the House, as the case may be, from the
21 membership of such committees of primary
22 jurisdiction;

23 “(7) the term ‘appropriate resolution’ means--

24 “(A) in the case of a major rule, a joint
25 resolution approving the rule, the matter after the

1 resolving clause of which is as follows: 'That the
2 Congress approves the rule entitled _____,
3 transmitted to the Congress by _____ on
4 _____, 19__, and which shall cease to be
5 effective on _____, 19__.', with the
6 appropriate title of the rule, agency, date of
7 transmittal, and date of termination inserted in the
8 blanks, respectively; and

9 '(B) in the case of any other rule subject to
10 section 802 of this title, a joint resolution
11 disapproving the rule, the matter after the
12 resolving clause of which is as follows: 'That the
13 Congress disapproves the rule entitled
14 _____, transmitted to the Congress by
15 _____, on _____, 19__.', with
16 the appropriate title of the rule, agency, and date
17 inserted in the blanks, respectively; and

18 '(8) the term 'transmitted to the Congress', with
19 respect to a rule, means transmitted to the Congress
20 pursuant to section 802(a)(1) of this title.

21 ''§802. Congressional review of agency rules

22 '(a)(1) On the first day on which both Houses of
23 Congress are in session after the promulgation of a rule,
24 the agency shall transmit a copy of the rule to the
25 Secretary of the Senate and the Clerk of the House of

1 Representatives. such rule shall be considered only as a
2 recommendation of the agency to the Congress and shall have
3 no force and effect as a rule unless the rule has become
4 effective in accordance with this section.

5 “(2) A major rule may not take effect unless an
6 appropriate resolution is enacted within 97 days after the
7 date on which the major rule is transmitted to the Congress.

8 “(3)(A) Subject to subparagraph (B), a rule other than
9 a major rule may not take effect if within 90 days after the
10 rule is transmitted to the Congress an appropriate
11 resolution is enacted with respect to the rule.

12 “(B) A rule other than a major rule may take effect--

13 “(i) at the end of the period of 60 days after the
14 date the rule is transmitted to the Congress if neither
15 House of Congress has completed action on an appropriate
16 resolution with respect to the rule;

17 “(ii) upon the rejection by one House of an
18 appropriate resolution with respect to the rule; or

19 “(iii) on such later date as the rule may specify.

20 “(D)(1) An agency may not promulgate a new rule
21 substantially the same as--

22 “(A) a major rule for which an appropriate
23 resolution has not been enacted; or

24 “(B) any other rule subject to this section for
25 which an appropriate resolution has been enacted.

1 “(2) If a rule of an agency does not become effective
2 under subsection (a) and the agency, subject to paragraph
3 (1), promulgates a rule which relates to the same subject
4 matter as the disapproved rule, such rule may be based in
5 whole or in part on the rulemaking record of the first rule.
6 The new rule shall be subject to subsection (a).

7 “(c) If a rule which was promulgated subject to a
8 statutory time limit for rulemaking does not become
9 effective under subsection (a), the statutory time limit
10 shall apply also to the rulemaking begun as a result of the
11 disapproval of the rule but shall begin on the date on which
12 the rule was precluded from becoming effective under
13 subsection (a).

14 “(d)(1) On the same day on which an agency transmits a
15 rule to the Congress pursuant to this section, that agency
16 shall transmit a copy of the rule to the Comptroller General
17 of the United States.

18 “(2) In order to assist the Congress in the exercise of
19 its functions under this chapter, the Comptroller General
20 may, on his own initiative, or shall, upon the request of an
21 appropriate committee, inform such committee as promptly as
22 practicable as to whether the Comptroller General considers
23 the rule to be consistent with the statutory authority under
24 which the rule was promulgated.

25 “(e) The provisions of paragraphs (2), (3), and (4) of

1 subsection (a) shall not apply with respect to an emergency
2 rule if the agency submits to the appropriate committees a
3 written notice of its determination that the rule is an
4 emergency rule and of the period of time during which the
5 rule will be effective, and of its intention to issue a
6 final rule to take effect when the emergency rule expires,
7 if the agency determines such a final rule is necessary. Any
8 such final rule shall be subject to all the provisions of
9 subsection (a).

10 ``§803. Procedure for committee consideration of resolutions

11 `` (a)(1) With respect to a major rule, the chairman of
12 the appropriate committee to which it has been referred, or
13 a Member designated by the chairman, shall introduce an
14 appropriate resolution (by request) no later than the first
15 day of the session following the day on which the rule is
16 transmitted to the Congress, and the resolution shall be
17 referred to the appropriate committee.

18 `` (2) The appropriate committee to which an appropriate
19 resolution with respect to a major rule is referred shall
20 undertake a review of the rule and report the resolution,
21 together with its recommendations, to the House involved not
22 later than 45 days after the date on which the rule is
23 transmitted to the Congress.

24 `` (3) If the appropriate committee to which an
25 appropriate resolution with respect to a major rule is

1 referred pursuant to paragraph (1) has not reported the
2 resolution at the end of 45 days after the rule is
3 transmitted to the Congress, the committee shall be deemed
4 to be discharged from further consideration of the
5 resolution, and the resolution shall be placed on the
6 appropriate calendar of the House involved.

7 “(b)(1) An appropriate resolution with respect to any
8 rule other than a major rule shall be referred to the
9 appropriate committee.

10 “(2) It shall be in order to present to the Secretary
11 of the Senate or the Clerk of the House in writing a motion
12 for consideration of an appropriate resolution with respect
13 to a rule other than a major rule at any time after the
14 introduction of the resolution but not later than 25 days
15 after the rule is transmitted to the Congress.

16 “(3) If a motion for consideration described in
17 paragraph (2) is signed by 25 Members of the Senate or 109
18 Members of the House, as the case may be, not later than 30
19 days after the rule involved is transmitted to the Congress,
20 the motion shall be entered on the Journal, printed with the
21 signatures thereto in the Congressional Record, and the
22 Secretary of the Senate or the Clerk of the House shall
23 notify the appropriate committee of the motion. The
24 appropriate committee shall then undertake a review of the
25 rule and report the appropriate resolution to which the

1 motion relates, together with its recommendations, not later
2 than 45 days after the rule is transmitted to the Congress.

3 “(4) If the appropriate committee has not reported the
4 appropriate resolution at the end of that period of 45 days,
5 pursuant to paragraph (3), then the committee shall be
6 deemed to be discharged from further consideration of the
7 resolution and the resolution shall be placed on the
8 appropriate calendar of the House involved.

9 “(5) An appropriate committee may review any rule
10 referred to it and may report any appropriate resolution
11 referred to it not later than 45 days after the rule which
12 is the subject of the resolution is transmitted to the
13 Congress, and the resolution shall be referred to the
14 appropriate calendar of the House involved.

15 “(c) Whenever a committee reports an appropriate
16 resolution pursuant to this chapter, the resolution shall be
17 accompanied by a committee report which shall include the
18 text of the rule, together with the agency's explanation of
19 the rule and the committee's reasons for recommending the
20 adoption or rejection of the resolution.

21 “§804. Procedure for floor consideration of resolutions

22 “(a)(1) When a committee of the Senate has reported or
23 has been discharged from the further consideration of an
24 appropriate resolution, it shall be in order at any time
25 thereafter (even though a previous motion to the same effect

1 has been disagreed to) to move to proceed to the
2 consideration of the resolution.

3 “(2) When a committee of the House has reported or has
4 been discharged from the further consideration of an
5 appropriate resolution, the appropriate calendar on which
6 the resolution is placed shall be the Regulatory Review
7 Calendar in accordance with clause 1 of rule XIII of the
8 Rules of the House of Representatives.

9 “(b)(1) Any motion in the Senate to proceed to the
10 consideration of an appropriate resolution is privileged and
11 is not debatable. The motion shall not be subject to any
12 intervening motion except a motion to lay on the table. An
13 amendment to the motion is not in order, and it is not in
14 order to reconsider the vote by which the motion is agreed
15 to or disagreed to.

16 “(2) Any motion in the House of Representatives to
17 proceed to the consideration of an appropriate resolution is
18 privileged but may only be made on days designated in clause
19 9 of rule XXIV of the Rules of the House and in accordance
20 with procedures prescribed by that clause.

21 “(c) Debate on an appropriate resolution with respect
22 to a major rule shall be limited to not more than two hours,
23 and with respect to any rule other than a major rule shall
24 be limited to not more than one hour, to be equally divided
25 between the proponents and opponents of the resolution. A

1 motion to further limit debate is not debatable. An
2 amendment to or a motion to recommit the resolution is not
3 in order and it is not in order to move to reconsider the
4 vote by which the resolution is agreed to or disagreed to.

5 “(d)(1) If, before the passage by one House of an
6 appropriate resolution of that House with respect to a rule,
7 that House receives an appropriate resolution with respect
8 to the same rule from the other House, then--

9 “(A) at the end of the period of 75 days after the
10 rule was transmitted to the Congress pursuant to section
11 802(a) of this title--

12 “(1) if the appropriate resolution from the
13 other House has been referred to the appropriate
14 committee and that committee has not reported or been
15 discharged from further consideration of that
16 resolution or another appropriate resolution with
17 respect to the same rule, that committee shall be
18 deemed to discharged from further consideration of
19 the resolution of the other House and the resolution
20 shall be placed on the appropriate calendar of the
21 House involved; or

22 “(ii) if the appropriate resolution from the
23 other House has not been referred to the appropriate
24 committee, the resolution shall be placed on the
25 appropriate calendar of the House involved; and

1 “(B) the vote on final passage shall be on the
2 appropriate resolution from the other House.

3 “(2) Except as provided in paragraph (1), it shall not
4 be in order to consider more than one appropriate resolution
5 with respect to the same rule in the same Congress, except
6 that this paragraph shall not prohibit the consideration in
7 one House of an appropriate resolution from the other House
8 if the House receiving it has already passed an appropriate
9 resolution introduced in that House with respect to the same
10 rule.

11 “§805. Computation of calendar days of continuous session

12 “(a) For purposes of this chapter--

13 “(1) ‘days’ means only days of continuous session
14 of Congress;

15 “(2) the days on which either House of Congress is
16 not in session because of an adjournment of more than
17 three days are excluded in the computation of days of
18 continuous session; and

19 “(3) the days occurring during the period beginning
20 on the date on which an appropriate resolution is
21 adopted by the Congress and ending either on the date on
22 which the resolution is approved by the President, or,
23 if the resolution is disapproved by the President, on
24 the date on which the resolution is returned to the
25 Congress with the President’s disapproval, are excluded

1 in the computation of days of continuous session.

2 "(b) If an adjournment sine die of a Congress occurs
3 after an agency has submitted a rule under section 802 of
4 this title and before the expiration of the applicable
5 period specified in such section, the agency shall--

6 "(1) resubmit the rule to the Congress; or

7 "(2) initiate rulemaking proceedings to amend or
8 repeal such rule.

9 If the rule is resubmitted or an amended rule is submitted
10 to the Congress, the periods specified in section 802 of
11 this title shall begin on the date of such resubmission or
12 submission.

13 "§806. Rulemaking power of Congress

14 "The provisions of sections 803 and 804 of this title
15 are enacted by the Congress--

16 "(1) as an exercise of the rulemaking power of the
17 Senate and the House of Representatives, respectively,
18 and as such they are deemed a part of the rules of each
19 House, respectively, but applicable only with respect to
20 the procedure to be followed in that House in the case
21 of resolutions described in section 802 of this title,
22 and such provisions supersede other rules only to the
23 extent that they are inconsistent with such other rules;
24 and

25 "(2) with full recognition of the constitutional

1 right of either House of the Congress to change the
2 rules (so far as relating to the procedure of that
3 House) at any time, in the same manner and to the same
4 extent as in the case of any other rule of that House.

5 ``§807. Effect on judicial review

6 ``Congressional inaction on or rejection of an
7 appropriate resolution disapproving a rule shall not be
8 deemed an expression of approval of that rule.``

9 (b) The table of chapters for part I of title 5 is
10 amended by inserting immediately after the item relating to
11 chapter 7 the following:

``8. Congressional Review of Agency
Rulemaking.....801``.

12 (c) The provisions of chapter 8 of title 5, United
13 States Code, shall supersede any other provision of law
14 governing procedures for congressional review of agency
15 rules to the extent such other provisions are inconsistent
16 with such chapter.

17 TITLE III--REGULATORY OVERSIGHT AND CONTROL AMENDMENTS TO
18 HOUSE RULES

19 House Regulatory Review Calendar

20 Sec. 301. (a) Rule XIII of the Rules of the House of
21 Representatives is amended--

22 (1) in clause 1 by striking out ``three`` and
23 inserting in lieu thereof ``four``, and

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

2 ``Fourth. A Regulatory Review Calendar, to which shall be
3 referred all resolutions in accordance with the provisions
4 of chapter 8 of title 5, United States Code.''.
5

6 (b) Rule XXIV of the Rules of the House of
7 Representatives is amended by adding at the end thereof the
8 following new clause:

9 ``9. (a) On the first and third Monday and the second
10 and fourth Tuesday of each month, immediately following the
11 approval of the Journal, the Speaker shall direct the clerk
12 to call the resolutions on the Regulatory Review Calendar,
13 and priority consideration shall be given to resolutions
14 respecting any rule for which the review period in the House
15 under section 802(a) of title 5, United States Code, will
16 expire before the next calling of resolutions on the
17 Calendar under this paragraph. It shall be in order on any
18 such day to consider a motion to dispense with the further
19 reading of the Calendar, and such motion shall not be
20 subject to debate.

21 `` (b) Upon the calling of a resolution on the Regulatory
22 Review Calendar under paragraph (a), it shall be in order to
23 move to proceed to the immediate consideration of the
24 resolution. The motion is privileged and is not debatable,
25 except in the case of a resolution discharged from a
committee pursuant to a motion for consideration under

1 section 833 of title 5, United States Code, in which case
2 the motion shall be debatable for twenty minutes, equally
3 divided between proponents and opponents of the motion. The
4 motion shall not be subject to an intervening motion, except
5 a motion to lay on the table and a motion to postpone to a
6 day certain. An amendment to the motion is not in order and
7 it is not in order to move to reconsider the vote by which
8 the motion is agreed to or disagreed to.

9 “(c) Debate on a resolution with respect to a major
10 rule shall be limited to not more than two hours, and on a
11 resolution with respect to any other rule shall be limited
12 to not more than one hour, to be equally divided between
13 proponents and opponents of the resolution. The resolution
14 shall not be subject to amendment or a motion to recommit,
15 and it shall not be in order to move to reconsider the vote
16 by which the resolution is agreed to or disagreed to.”.

17 Regulatory Limitation Amendments to House Appropriation
18 Bills

19 Sec. 302. Rule XXI of the Rules of the House of
20 Representatives is amended in clause 2 by adding at the end
21 thereof the following new paragraph:

22 “(e) Notwithstanding paragraphs (c) and (d) of this
23 clause, it shall be in order during the reading of a general
24 appropriation bill for amendment to consider any germane
25 amendment proposing a limitation restricting the

1 implementation of any agency rule subject to chapter 8 of
2 title 5, United States Code (other than a major rule), for
3 which an appropriate resolution has not been considered by
4 the House, or has been passed by the House but has not been
5 enacted, within the period of time specified in section
6 802(a) of that title.''.
7

House Committee Oversight Improvements

8 Sec. 303. (a) Clause 2(c) of Rule X of the Rules of the
9 House of Representatives is amended to read as follows:

10 ''(c)(1) Not later than March 1 in the first session of
11 a Congress, each standing committee of the House shall, in a
12 meeting which is open to the public and with a majority of
13 members present, consider and adopt its oversight plans for
14 that Congress.

15 ''(2) In developing such oversight plans, each committee
16 shall, to the maximum extent feasible--

17 ''(A) consult with other committees of the House and
18 the Senate which have jurisdiction over the same or
19 related laws, programs, agencies, or regulatory
20 activities within its jurisdiction with the objective of
21 assuring that such laws, programs, agencies, and
22 regulatory activities are reviewed in the same Congress
23 and that there is maximum coordination and cooperation
24 between such committees in the conduct of such review;
25 and such plans shall include an explanation of what

1 steps have been or will be taken to assure such
2 coordination and cooperation;

3 "(B) give priority consideration to including in
4 its oversight plans the review of those laws, programs,
5 agencies, or regulatory activities operating under
6 permanent budget authority or permanent statutory
7 authority; and

8 "(C) have a view toward ensuring that all
9 significant laws, programs, agencies, and regulatory
10 activities within its jurisdiction are subject to review
11 at least once every ten years, with special attention to
12 those major agency rules subject to review and
13 termination during that Congress.

14 "(3) Immediately upon the adoption of its oversight
15 plans, each committee shall submit these plans to the
16 Committee on Government Operations.

17 "(4) Not later than March 15 in the first session of a
18 Congress, after consultation with the Speaker, the majority
19 leader, and the minority leader, the Committee on Government
20 Operations shall report to the House the oversight plans
21 submitted by each committee pursuant to this paragraph,
22 together with any recommendation which the Committee on
23 Government Operations may make, or the Speaker, majority
24 leader, and minority leader may jointly make, to assure the
25 most effective coordination of such plans and otherwise

1 achieve the objectives of this clause.''.
2

3 (b) Clause 2 of Rule X of the Rules of the House of
4 Representatives is amended by adding at the end thereof the
5 following new paragraph:

6 ''(e) The Speaker, with the approval of the House, may
7 appoint special ad hoc oversight committees for the purpose
8 of reviewing a specific matter within the jurisdiction of
9 two or more standing committees of the House, such ad hoc
10 committees to be appointed from the membership of such
11 standing committees.''.
12

13 (c) Clause 1(d) of Rule XI of the Rules of the House of
14 Representatives is amended to read as follows:

15 ''(d)(1) Each committee shall submit to the House of
16 Representatives, not later than January 2 of each odd-
17 numbered year, a report on the activities of that committee
18 under this rule and Rule X during the Congress ending at
19 noon on January 3 of such year.

20 ''(2) Such report shall include separate sections
21 summarizing the legislative and oversight activities of that
22 committee during that Congress.

23 ''(3) The oversight section of such report shall include
24 a summary of the oversight plans submitted by that committee
25 pursuant to clause 2(c) of Rule X, a summary of the actions
26 taken and recommendations made with respect to such plans,
27 and a summary of any additional oversight activities

1 undertaken by that committee, and any recommendations made
2 or actions taken thereon.''.
3

4 (d) Clause 5(a) of Rule XI of the Rules of the House of
5 Representatives is amended--

6 (1) by striking out ``(1)'' and ``(2)'' and
7 inserting in lieu thereof ``(A)'' and ``(B)'',
8 respectively;

9 (2) by inserting ``(1)'' after ``(a)''; and

10 (3) by adding at the end thereof the following:

11 ``(2) It shall not be in order in the House to consider
12 a primary expense resolution for any committee which has not
13 submitted its oversight plans to the Committee on Government
14 Operations pursuant to clause 2(c) of Rule X.''.
15