

Withdrawn

King 3

AMENDMENT TO H.R. 10
OFFERED BY MR. KING OF IOWA

#2

Page 21, line 5, insert after "determines." the following:

1 "§ 808. Sunset for rules

2 "(a) EXPIRATION OF RULE.—

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

6 "(A) beginning on the date that is 10
7 years after the date on which that rule first
8 takes effect; or

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

14 "(2) REISSUANCE OF THE RULE PROHIB-
15 ITED.—The rule may not be reissued in substan-
16 tially the same form, and a new rule that is substan-
17 tially the same as such a rule may not be issued, un-
18 less the reissued or new rule is specifically author-

1 ized by a law enacted after the date described in this
2 subsection (a).

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

10 “(c) EXEMPTION BY PRESIDENT.—The President
11 may by Executive order exempt a rule from the application
12 of subsection (a) for a period of not more than 3 years
13 if the President determines, and submits to Congress sub-
14 mits written notice of such determination, that such rule
15 is—

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

18 “(2) necessary for the enforcement of criminal
19 laws;

20 “(3) necessary for national security; or

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

23 “(d) EXTENSION BY CONGRESSIONAL ACTION.—In
24 the case of any rule with regard to which a joint resolution
25 of extension described in subsection (e) is enacted before

1 the date described in subsection (a), such rule shall be ex-
2 empt from subsection (a) for a period of 10 years, begin-
3 ning on the date of enactment of the joint resolution. That
4 period may be renewed indefinitely by the enactment of
5 subsequent joint resolutions.

6 “(e) JOINT RESOLUTION OF EXTENSION.—

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

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

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

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

17 “(f) APPLICATION; TRANSITION RULE.—
18 “(1) APPLICATION.—This section shall apply to
19 each rule issued after the date of enactment of the
20 Regulations From the Executive in Need of Scrutiny
21 Act of 2011.

22 “(2) TRANSITION RULE.—Each rule in effect as
23 of the date of enactment of the Regulations From
24 the Executive in Need of Scrutiny Act of 2011 shall
25 be subject to this section in accordance with such

1 criteria as the head of the agency that made that
2 rule shall establish.”.

