

.....
(Original Signature of Member)

112TH CONGRESS
1ST SESSION

H. R.

To establish a moratorium on regulatory rulemaking actions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on _____

A BILL

To establish a moratorium on regulatory rulemaking actions, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Regulation Audit Re-
5 vive Economy Act of 2011” or the “RARE Act of 2011”.

6 **SEC. 2. MORATORIUM ON REGULATIONS.**

7 Until the end of the moratorium period, a Federal
8 agency may not take any regulatory rulemaking action,
9 unless an exception is provided under section 4.

1 **SEC. 3. SPECIAL RULE ON STATUTORY, REGULATORY, AND**
2 **JUDICIAL DEADLINES.**

3 (a) IN GENERAL.—Any deadline for, relating to, or
4 involving any action dependent upon any regulatory rule-
5 making actions authorized or required to be taken before
6 the end of the moratorium period is extended for 5 months
7 or until the end of the moratorium period, whichever is
8 later.

9 (b) DEADLINE DEFINED.—The term “deadline”
10 means any date certain for fulfilling any obligation or ex-
11 ercising any authority established by or under any Federal
12 statute or regulation, or by or under any court order im-
13 plementing any Federal statute or regulation.

14 (c) IDENTIFICATION OF POSTPONED DEADLINES.—
15 Not later than 30 days after the date of the enactment
16 of this Act, the President shall identify and publish in the
17 Federal Register a list of deadlines covered by subsection
18 (a).

19 **SEC. 4. EMERGENCY EXCEPTIONS; EXCLUSIONS.**

20 (a) EMERGENCY EXCEPTION.—Section 2 or 3(a), or
21 both, shall not apply to a regulatory rulemaking action
22 if—

23 (1) the head of a Federal agency otherwise au-
24 thorized to take the action submits a written request
25 to the Administrator of the Office of Information
26 and Regulatory Affairs within the Office of Manage-

1 ment and Budget and submits a copy of such re-
2 quest to the Congress;

3 (2) the Administrator of the Office of Informa-
4 tion and Regulatory Affairs within the Office of
5 Management and Budget finds in writing that a
6 waiver for the action is—

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

10 (B) necessary for the enforcement of crimi-
11 nal laws; and

12 (3) the head of the Federal agency publishes
13 the finding and waiver in the Federal Register.

14 (b) EXCLUSIONS.—The head of an agency shall pub-
15 lish in the Federal Register any action excluded because
16 of a certification under section 6(4)(B).

17 (c) CIVIL RIGHTS EXCEPTION.—Section 2 or 3(a),
18 or both, shall not apply to a regulatory rulemaking action
19 to establish or enforce any statutory rights against dis-
20 crimination on the basis of age, race, religion, gender, na-
21 tional origin, or handicapped or disability status except
22 such rulemaking actions that establish, lead to, or other-
23 wise rely on the use of a quota or preference based on
24 age, race, religion, gender, national origin, or handicapped
25 or disability status.

1 **SEC. 5. REVIEW OF RULES.**

2 (a) REVIEW AND REPORT REQUIRED.—In accord-
3 ance with this section and as soon as practicable after the
4 date of the enactment of this Act, the Director of the Of-
5 fice of Management and Budget shall—

6 (1) conduct a review of each rule that is being
7 enforced as of the date of the enactment of this Act;
8 and

9 (2) submit to Congress and make available to
10 the public a report on such review.

11 (b) MATTERS COVERED.—The report under sub-
12 section (a) shall include the following:

13 (1) An estimate of the total annual costs and
14 benefits (including quantifiable and nonquantifiable
15 effects) of each rule covered by the review, to the ex-
16 tent feasible.

17 (2) Where applicable, recommendations for re-
18 form of an existing major rule.

19 (3) The total number of minor and major rules
20 that are being enforced as of the date of the enact-
21 ment of this Act.

22 (c) UNIFORM STANDARD.—The Director of Office of
23 Management and Budget shall apply a uniform standard
24 for figures and cost summaries in the report required
25 under subsection (a).

1 **SEC. 6. DEFINITIONS.**

2 For purposes of this Act:

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

6 (2) MAJOR RULE.—The term “major rule” has
7 the meaning given that term in section 804 of title
8 5, United States Code.

9 (3) MORATORIUM PERIOD.—The term “morato-
10 rium period” means the period of time—

11 (A) beginning 30 days after the date of the
12 enactment of this Act; and

13 (B) ending on the later of—

14 (i) 14 days after the day on which the
15 Director of the Office of Management and
16 Budget publishes the report pursuant to
17 section 5; or

18 (ii) two years after the date of the en-
19 actment of this Act.

20 (4) REGULATORY RULEMAKING ACTION.—

21 (A) IN GENERAL.—The term “regulatory
22 rulemaking action” means any rulemaking on
23 any rule normally published in the Federal Reg-
24 ister, including—

25 (i) the issuance of any substantive
26 rule, interpretative rule, statement of agen-

1 cy policy, notice of inquiry, advance notice
2 of proposed rulemaking, or notice of pro-
3 posed rulemaking, and

4 (ii) any other action taken in the
5 course of the process of rulemaking (except
6 a cost benefit analysis or risk assessment,
7 or both).

8 (B) EXCLUSIONS.—The term “regulatory
9 rulemaking action” does not include—

10 (i) any agency action that the head of
11 the agency and the Administrator of the
12 Office of Information and Regulatory Af-
13 fairs within the Office of Management and
14 Budget certify in writing is limited to re-
15 pealing, narrowing, or streamlining a rule,
16 regulation, or administrative process or
17 otherwise reducing regulatory burdens;

18 (ii) any agency action that the head of
19 the agency and the Administrator of the
20 Office of Information and Regulatory Af-
21 fairs within the Office of Management and
22 Budget certify in writing is limited to mat-
23 ters relating to military or foreign affairs
24 functions, statutes implementing inter-
25 national trade agreements, including all

1 agency actions required by the Uruguay
2 Round Agreements Act, or agency manage-
3 ment, personnel, or public property, loans,
4 grants, benefits, or contracts;

5 (iii) any agency action that the head
6 of the agency and the Administrator of the
7 Office of Information and Regulatory Af-
8 fairs within the Office of Management and
9 Budget certify in writing is limited to a
10 routine administrative function of the
11 agency;

12 (iv) any agency action that—

13 (I) is taken by an agency that su-
14 pervises and regulates insured deposi-
15 tory institutions, affiliates of such in-
16 stitutions, credit unions, or govern-
17 ment sponsored housing enterprises;
18 and

19 (II) the head of the agency cer-
20 tifies would meet the standards for an
21 exception or exclusion described in
22 this Act; or

23 (v) any agency action that the head of
24 the agency certifies is limited to inter-
25 preting, implementing, or administering

1 the internal revenue laws of the United
2 States.

3 (5) RULE.—The term “rule”—

4 (A) means the whole or a part of an agen-
5 cy statement of general or particular applica-
6 bility and future effect designed to implement,
7 interpret, or prescribe law or policy; and

8 (B) does not include—

9 (i) the approval or prescription, on a
10 case-by-case or consolidated case basis, for
11 the future of rates, wages, corporation, or
12 financial structures or reorganizations
13 thereof, prices, facilities, appliances, serv-
14 ices or allowances therefor, or of valu-
15 ations, costs, or accounting, or practices
16 bearing on any of the foregoing;

17 (ii) any action taken in connection
18 with the safety of aviation;

19 (iii) any action taken in connection
20 with the implementation of monetary pol-
21 icy or to ensure the safety and soundness
22 of federally insured depository institutions,
23 any affiliate of such an institution, credit
24 unions, or government sponsored housing

1 enterprises or to protect the Federal de-
2 posit insurance funds;

3 (iv) the granting an application for a
4 license, registration, or similar authority,
5 granting or recognizing an exemption,
6 granting a variance or petition for relief
7 from a regulatory requirement, or other
8 action relieving a restriction (including any
9 agency which establishes, modifies, or con-
10 ducts a regulatory program for a rec-
11 reational or subsistence activity, including
12 hunting, fishing, and camping, if a Federal
13 law prohibits the recreational or subsist-
14 ence activity in the absence of the agency
15 action); or

16 (v) taking any action necessary to per-
17 mit new or improved applications of tech-
18 nology or allow the manufacture, distribu-
19 tion, sale, or use of a substance or product.

20 (6) RULEMAKING.—The term “rulemaking”
21 means agency process for formulating, amending, or
22 repealing a rule.

23 (7) LICENSE.—The term “license” means the
24 whole or part of an agency permit, certificate, ap-

1 proval, registration, charter, membership, statutory
2 exemption, or other form of permission.

3 (8) IMMIDENT THREAT TO HEALTH OR SAFE-
4 TY.—The term “imminent threat to health or safe-
5 ty” means the existence of any condition, cir-
6 cumstance, or practice reasonably expected to cause
7 death, serious illness, or severe injury to humans, or
8 substantial endangerment to private property during
9 the moratorium period.

10 **SEC. 7. LIMITATION ON CIVIL ACTIONS.**

11 No private right of action may be brought against
12 any Federal agency for a violation of this Act. This prohi-
13 bition shall not affect any private right of action or remedy
14 otherwise available under any other law.