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(Original Signature of Member)

113TH CONGRESS
2D SESSION

H. R. _____

To provide for the establishment of a process for the review of rules and
sets of rules, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of Missouri (for himself, Mr. BACHUS, Mr. COLLINS of Georgia,
Mr. FARENTHOLD, and Mr. HULTGREN) introduced the following bill;
which was referred to the Committee on

A BILL

To provide for the establishment of a process for the review
of rules and sets of rules, 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 “Searching for and Cut-
5 ting Regulations that are Unnecessarily Burdensome Act
6 of 2014” or as the “SCRUB Act of 2014”.

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1 **TITLE I—RETROSPECTIVE REGU-**
2 **LATORY REVIEW COMMIS-**
3 **SION**

4 **SEC. 101. IN GENERAL.**

5 (a) ESTABLISHMENT.—There is established a com-
6 mission, to be known as the Retrospective Regulatory Re-
7 view Commission, that shall review rules and sets of rules
8 in accordance with specified criteria to determine if a rule
9 or set of rules should be repealed to eliminate or reduce
10 the costs of regulation to the economy. The Commission
11 shall terminate on the date that is 5 years and 180 days
12 after the date of enactment of this Act or 5 years after
13 the date by which all Commission members' terms have
14 commenced, whichever is later.

15 (b) MEMBERSHIP.—

1 (1) NUMBER.—The Commission shall be com-
2 posed of 9 members who shall be appointed by the
3 President and confirmed by the Senate. Each mem-
4 ber shall be appointed not later than 180 days after
5 the date of enactment of this Act.

6 (2) TERM.—The term of each member shall
7 commence upon the member's confirmation by the
8 Senate and shall extend to the date that is 5 years
9 and 180 days after the date of enactment of this Act
10 or that is 5 years after the date by which all mem-
11 bers have been confirmed by the Senate, whichever
12 is later.

13 (3) APPOINTMENT.—The members of the Com-
14 mission shall be appointed as follows:

15 (A) The President shall appoint the chair
16 of the Commission from among past Adminis-
17 trators of the Office of Information and Regu-
18 latory Affairs, past chairmen of the Administra-
19 tive Conference of the United States, and other
20 candidates of similar expertise and experience
21 in rule making affairs and the administration of
22 regulatory reviews.

23 (B) The Speaker of the House of Rep-
24 resentatives, the Minority Leader of the House
25 of Representatives, the Majority Leader of the

1 Senate, and the Minority Leader of the Senate
2 shall each present to the President lists of can-
3 didates to be members of the Commission. Such
4 candidates shall be individuals learned in rule
5 making affairs and, preferably, administration
6 of regulatory reviews. The President shall ap-
7 point 2 members of the Commission from each
8 list provided under this paragraph, subject to
9 the provisions of paragraph (C).

10 (C) If the President—

11 (i) determines that any candidate to
12 be a Member of the Commission who ap-
13 pears on a list presented to him under
14 paragraph (B) does not meet the qualifica-
15 tions specified in this paragraph to be a
16 member of the Commission; and

17 (ii) certifies that determination to the
18 congressional officials specified in para-
19 graph (B);

20 the President may then request from the pre-
21 senter of the list a new list of one or more can-
22 didates.

23 (c) POWERS AND AUTHORITIES OF THE COMMIS-
24 SION.—

1 (1) MEETINGS.—The Commission may meet
2 when, where, and as often as the Commission deter-
3 mines appropriate, except that the Commission shall
4 hold public meetings not less than twice each year.

5 (2) HEARINGS.—In addition to meetings held
6 under paragraph (1), the Commission may hold
7 hearings to consider issues of fact or law relevant to
8 the Commission's work. Any hearing held by the
9 Commission shall be in public.

10 (3) ACCESS TO INFORMATION.—The Commis-
11 sion may secure directly from any department or
12 agency of the United States information necessary
13 to enable it to carry out this Act. Upon request of
14 the chair of the Commission, the head of that de-
15 partment or agency shall furnish that information to
16 the Commission.

17 (4) SUBPOENAS.—

18 (A) IN GENERAL.—The Commission may
19 issue subpoenas requiring the attendance and
20 testimony of witnesses and the production of
21 any evidence relating to the duties of the Com-
22 mission. The attendance of witnesses and the
23 production of evidence may be required from
24 any place within the United States at any des-

1 ignated place of hearing within the United
2 States.

3 (B) FAILURE TO OBEY A SUBPOENA.—If a
4 person refuses to obey a subpoena issued under
5 subparagraph (a), the Commission may apply
6 to a United States district court for an order
7 requiring that person to appear before the Com-
8 mission to give testimony, produce evidence, or
9 both, relating to the matter under investigation.
10 The application may be made within the judicial
11 district where the hearing is conducted or where
12 that person is found, resides, or transacts busi-
13 ness. Any failure to obey the order of the court
14 may be punished by the court as civil contempt.

15 (C) SERVICE OF SUBPOENAS.—The sub-
16 poenas of the Commission shall be served in the
17 manner provided for subpoenas issued by a
18 United States district court under the Federal
19 Rules of Civil Procedure for the United States
20 district courts.

21 (D) SERVICE OF PROCESS.—All process of
22 any court to which application is made under
23 paragraph (2) may be served in the judicial dis-
24 trict in which the person required to be served
25 resides or may be found.

1 (d) PAY AND TRAVEL EXPENSES.—

2 (1) PAY.—

3 (A) MEMBERS.—Each member, other than
4 the chair, shall be paid at a rate equal to the
5 daily equivalent of the minimum annual rate of
6 basic pay payable for level IV of the Executive
7 Schedule under section 5315 of title 5, United
8 States Code, for each day (including travel
9 time) during which the member is engaged in
10 the actual performance of duties vested in the
11 Commission.

12 (B) CHAIR.—The chair shall be paid for
13 each day referred to in subparagraph (A) at a
14 rate equal to the daily equivalent of the min-
15 imum annual rate of basic pay payable for level
16 III of the Executive Schedule under section
17 5314 of title 5, United States Code.

18 (2) TRAVEL EXPENSES.—Members shall receive
19 travel expenses, including per diem in lieu of subsist-
20 ence, in accordance with sections 5702 and 5703 of
21 title 5, United States Code.

22 (e) DIRECTOR OF STAFF.—

23 (1) IN GENERAL.—The Commission shall ap-
24 point a Director.

1 (2) PAY.—The Director shall be paid at the
2 rate of basic pay payable for level IV of the Execu-
3 tive Schedule under section 5315 of title 5, United
4 States Code.

5 (f) STAFF.—

6 (1) IN GENERAL.—Subject to paragraph (2),
7 the Director, with the approval of the Commission,
8 may appoint and fix the pay of additional personnel
9 from the public and private sectors.

10 (2) LIMITATIONS ON APPOINTMENT.—The Di-
11 rector may make such appointments without regard
12 to the provisions of title 5, United States Code, gov-
13 erning appointments in the competitive service, and
14 any personnel so appointed may be paid without re-
15 gard to the provisions of chapter 51 and subchapter
16 III of chapter 53 of that title relating to classifica-
17 tion and General Schedule pay rates, except that an
18 individual so appointed may not receive pay in ex-
19 cess of the annual rate of basic pay payable for GS-
20 18 of the General Schedule.

21 (3) AGENCY ASSISTANCE.—Following consulta-
22 tion with and upon request of the Director, the head
23 of any Federal department or agency shall detail any
24 of the personnel of that department or agency to the

1 Commission to assist the Commission in carrying
2 out its duties under this Act.

3 (4) GAO AND OIRA ASSISTANCE.—The Comp-
4 troller General of the United States and the Admin-
5 istrator of the Office of Information and Regulatory
6 Affairs shall provide assistance, including the detail-
7 ing of employees, to the Commission in accordance
8 with an agreement entered into with the Commis-
9 sion.

10 (5) ASSISTANCE FROM OTHER PARTIES.—Con-
11 gress, the States, municipalities, Federally recog-
12 nized Indian tribes, and local governments may pro-
13 vide assistance, including the detailing of employees,
14 to the Commission in accordance with an agreement
15 entered into with the Commission

16 (g) OTHER AUTHORITY.—

17 (1) EXPERTS AND CONSULTANTS.—The Com-
18 mission may procure by contract, to the extent funds
19 are available, the temporary or intermittent services
20 of experts or consultants pursuant to section 3109
21 of title 5, United States Code.

22 (2) PROPERTY.—The Commission may lease
23 space and acquire personal property to the extent
24 funds are available.

25 (h) DUTIES OF THE COMMISSION.—

1 (1) IN GENERAL.—The Commission shall con-
2 duct a review of the Code of Federal Regulations to
3 identify rules and sets of rules that collectively im-
4 plement a regulatory program that should be re-
5 pealed to lower the cost of regulation to the econ-
6 omy. The Commission shall give priority in its re-
7 view to rules or sets of rules that are major rules
8 or include major rules, have been in effect more than
9 15 years, impose paperwork burdens that could be
10 reduced substantially without significantly dimin-
11 ishing regulatory effectiveness, impose disproportion-
12 ately high costs on entities that qualify as small en-
13 tities within the meaning of section 601(6) of title
14 5, United States Code, or could be strengthened in
15 their effectiveness while reducing regulatory costs.
16 The Commission shall have as its goal to achieve a
17 reduction of at least 15 percent in the cumulative
18 costs of Federal regulation with a minimal reduction
19 in the overall effectiveness of such regulation.

20 (2) NATURE OF REVIEW.—To identify which
21 rules and sets of rules should be repealed to lower
22 the cost of regulation to the economy, the Commis-
23 sion shall apply the following criteria:

24 (A) Whether the original purpose of the
25 rule or set of rules was achieved, and the rule

1 or set of rules could be repealed without signifi-
2 cant recurrence of adverse effects or conduct
3 that the rule or set of rules was intended to
4 prevent or reduce.

5 (B) Whether the implementation, compli-
6 ance, administration, enforcement or other costs
7 of the rule or set of rules to the economy are
8 not justified by the benefits to society within
9 the United States produced by the expenditure
10 of those costs.

11 (C) Whether the rule or set of rules has
12 been rendered unnecessary or obsolete, taking
13 into consideration the length of time since the
14 rule was made and the degree to which tech-
15 nology, economic conditions, market practices,
16 or other relevant factors have changed in the
17 subject area affected by the rule or set of rules.

18 (D) Whether the rule or set of rules is in-
19 effective at achieving the rule or set's purposes.

20 (E) Whether the rule or set of rules over-
21 laps, duplicates, or conflicts with other federal
22 rules, and to the extent feasible, with state and
23 local governmental rules.

24 (F) Whether the rule or set of rules has
25 excessive compliance costs or is otherwise exces-

1 sively burdensome, as compared to alternatives
2 that—

3 (i) specify performance objectives
4 rather than conduct or manners of compli-
5 ance;

6 (ii) establish economic incentives to
7 encourage desired behavior;

8 (iii) provide information upon which
9 choices can be made by the public;

10 (iv) incorporate other innovative alter-
11 natives rather than agency actions that
12 specify conduct or manners of compliance;
13 or

14 (v) could in other ways substantially
15 lower costs without significantly under-
16 mining effectiveness.

17 (G) Whether the rule or set of rules inhib-
18 its innovation in or growth of the United States
19 economy, such as by impeding the introduction
20 or use of safer or equally safe technology that
21 is newer or more efficient than technology re-
22 quired by or permissible under the rule or set
23 of rules.

24 (H) Whether or not the rule or set of rules
25 harms competition within the United States

1 economy or the international economic competi-
2 tiveness of enterprises or entities based in the
3 United States.

4 (I) Such other criteria as the Commission
5 devises to identify rules and sets of rules that
6 can be repealed to eliminate or reduce unneces-
7 sarily burdensome costs to the United States
8 economy.

9 (3) METHODOLOGY FOR REVIEW.—The Com-
10 mission shall establish a methodology for conducting
11 its review (including its overall review and discrete
12 reivews of portions of the Code of Federal Regula-
13 tions), identifying rules and sets of rules, and
14 classifying rules under this subsection and publish
15 the terms of its methodology in the Federal Register
16 and on an Internet Website of the Commission. The
17 Commission may propose and seek public comment
18 on the methodology before the methodology is estab-
19 lished.

20 (4) CLASSIFICATION OF RULES AND SETS OF
21 RULES.—

22 (A) IN GENERAL.—After completion of any
23 review of rules or sets of rules under paragraph
24 (2), the Commission shall classify each rule or
25 set of rules identified in the review to qualify

1 for recommended repeal as either a rule or set
2 of rules—

3 (i) on which immediate action to re-
4 peal is recommended; or

5 (ii) that should be eligible for repeal
6 under regulatory cut-go procedures under
7 title II.

8 (B) DECISIONS BY MAJORITY.—Each deci-
9 sion by the Commission to identify a rule or set
10 of rules for classification under this paragraph,
11 and each decision whether to classify the rule or
12 set of rules under subparagraph (A)(i) or, in-
13 stead, subparagraph (A)(ii), shall be made by a
14 simple majority vote of the Commission. No
15 such vote shall take place until after all mem-
16 bers of the Commission have been confirmed by
17 the Senate.

18 (5) INITIATION OF REVIEW BY OTHER PER-
19 SONS.—

20 (A) IN GENERAL.—The Commission may
21 also conduct a review under paragraph (2) of,
22 and, if appropriate, classify under paragraph
23 (4), any rule or set of rules that is submitted
24 for review to the Commission by—

25 (i) the President;

1 (ii) a Member of Congress;

2 (iii) any officer or employee of a Fed-
3 eral, State, local or tribal government, or
4 regional governmental body; or

5 (iv) any member of the public.

6 (B) FORM OF SUBMISSION.—A submission
7 to the Commission under this paragraph
8 shall—

9 (i) identify the specific rule or set of
10 rules submitted for review;

11 (ii) provide a statement of evidence to
12 demonstrate that the rule or set of rules
13 qualifies to be identified for repeal under
14 the criteria listed in paragraph (2); and

15 (iii) such other information as the
16 submitter believes may be helpful to the
17 Commission's review, including a state-
18 ment of the submitter's interest in the
19 matter.

20 (i) NOTICES AND REPORTS OF THE COMMISSION.—

21 (1) NOTICES OF AND REPORTS ON ACTIVI-
22 TIES.—The Commission shall publish, in the Federal
23 Register and on an Internet Website of the Commis-
24 sion—

1 (A) notices in advance of all public meet-
2 ings and hearings and classifications under sub-
3 section (h) informing the public of the basis,
4 purpose and procedures for the meeting, hear-
5 ing or classification; and

6 (B) reports after the conclusion of any
7 public meeting, hearing, or classification under
8 subsection (h) summarizing in detail the basis,
9 purpose and substance of the meeting, hearing,
10 or classification.

11 (2) ANNUAL REPORTS TO CONGRESS.—Each
12 year, beginning on the date that is one year after
13 the date by which all Commission members have
14 been confirmed by the Senate, the Commission shall
15 submit a report simultaneously to each House of
16 Congress detailing the activities of the Commission
17 for the previous year, and listing all rules and sets
18 of rules classified under subsection (h) during that
19 year. For each rule or set of rules so listed, the
20 Commission shall—

21 (A) identify the agency that made the rule
22 or set of rules;

23 (B) identify the annual cost of the rule or
24 set of rules to the United States economy and

1 the bases upon which the Commission identified
2 that cost;

3 (C) identify whether the rule or set of rules
4 was classified under subsection (h)(4)(A)(i) or
5 (h)(4)(A)(ii);

6 (D) identify the criteria under subsection
7 (h)(2) that caused the classification of the rule
8 or set of rules and the bases upon which the
9 Commission determined that those criteria were
10 met;

11 (E) for each rule or set of rules listed
12 under the criteria set forth in section
13 101(h)(2)(B), (D), (F), (G), or (H), or other
14 criteria established by the Commission under
15 subsection (h)(2)(I) under which the Commis-
16 sion evaluated alternatives to the rule or set of
17 rules that could lead to lower regulatory costs,
18 identify alternatives to the rule or set of rules
19 that the Commission recommends the agency
20 consider as replacements for the rule or set of
21 rules and the bases on which the Commission
22 rests its recommendations, and, in identifying
23 such alternatives, emphasize alternatives that
24 will achieve regulatory effectiveness at the low-

1 est cost and with the lowest adverse impacts on
2 jobs;

3 (F) for each rule or set of rules listed
4 under the criteria set forth in section
5 101(h)(2)(E), the other federal, state or local
6 governmental rules that the Commission found
7 the rule or set of rules to overlap, duplicate, or
8 conflict with, and the bases for the Commis-
9 sion's findings; and

10 (G) in the case of each set of rules so list-
11 ed, analyze whether Congress should also con-
12 sider repeal of the statutory authority imple-
13 mented by the set of rules.

14 (3) FINAL REPORT.—Not later than the date
15 on which the Commission members' appointments
16 expire, the Commission shall submit a final report
17 simultaneously to each House of Congress summa-
18 rizing all activities and recommendations of the
19 Commission, including a list of all rules or sets of
20 rules the Commission classified under subparagraph
21 (h)(4)(A)(i) for immediate action to repeal, a sepa-
22 rate list of all rules or sets of rules the Commission
23 classified under subparagraph (h)(4)(A)(ii) for re-
24 peel, and with regard to each rule or set of rules
25 listed on either list, the information described in

1 subparagraphs (A) through (F) of paragraph (2).
2 This report may be included in the final annual re-
3 port of the Commission under paragraph (2) and
4 may include the Commission's recommendation
5 whether the Commission should be reauthorized by
6 Congress.

7 (j) REPEAL OF REGULATIONS; CONGRESSIONAL
8 CONSIDERATION OF COMMISSION REPORTS.—

9 (1) IN GENERAL.—Subject to paragraph (2)—

10 (A) the head of each agency with authority
11 to repeal a rule or set of rules classified by the
12 Commission under subparagraph (h)(4)(A)(i)
13 for immediate action to repeal and newly listed
14 as such in an annual or final report of the
15 Commission under subsection (i)(2) or (3) shall
16 repeal the rule or set of rules as recommended
17 by the Commission within 60 days after the en-
18 actment of a joint resolution under paragraph
19 (2) for approval of the recommendations of the
20 Commission in the report; and

21 (B) the head of each agency with authority
22 to repeal a rule or set of rules classified by the
23 Commission under subparagraph (h)(4)(A)(ii)
24 for repeal and newly listed as such in an annual
25 or final report of the Commission under sub-

1 section (i)(2) or (3) shall repeal the rule or set
2 of rules as recommended by the Commission
3 pursuant to section 201, following the enact-
4 ment of a joint resolution under paragraph (2)
5 for approval of the recommendations of the
6 Commission in the report.

7 (2) CONGRESSIONAL APPROVAL.—

8 (A) IN GENERAL.—No head of an agency
9 described in paragraph (1) shall be required by
10 this Act to carry out a repeal listed by the
11 Commission in a report transmitted to Congress
12 under subsection (i)(2) or (3) until a joint reso-
13 lution is enacted, in accordance with the provi-
14 sions of subparagraph (B), approving such rec-
15 ommendations of the Commission for repeal.

16 (B) TERMS OF THE RESOLUTION.—For
17 purposes of paragraph (A), the term “joint res-
18 olution” means only a joint resolution which is
19 introduced after the date on which the Commis-
20 sion transmits to the Congress under subsection
21 (i)(2) or (3) the report containing the rec-
22 ommendations to which the resolution pertains,
23 and—

24 (i) which does not have a preamble;

1 (ii) the matter after the resolving
2 clause of which is only as follows: “That
3 Congress approves the recommendations
4 for repeal of the Retrospective Regulatory
5 Review Commission as submitted by the
6 Commission on _____”, the blank
7 space being filled in with the appropriate
8 date; and

9 (iii) the title of which is as follows:
10 “Approving recommendations for repeal of
11 the Retrospective Regulatory Review Com-
12 mission.”

13 (k) TRANSFER OF FUNDS FROM REGULATORY
14 AGENCIES.—Of the unobligated amounts made available
15 in future fiscal years for each agency that makes rules
16 subject to review by the Commission, up to 1 percent or
17 \$25,000,000, whichever is greater, shall be available for
18 the Commission.

19 (l) CONSULTATION BETWEEN THE CHAIRMAN AND
20 THE DIRECTOR.—The Chairman of the Commission shall
21 consult with the Director of the Office of Management and
22 Budget before making requests for agency funds under
23 paragraph (j).

1 **TITLE II—REGULATORY CUT-GO**

2 **SEC. 201. CUT-GO PROCEDURES.**

3 (a) IN GENERAL.—Except as provided in section
4 101(j)(2)(A) or section 202, an agency, when the agency
5 makes a new rule, shall repeal rules or sets of rules of
6 that agency classified by the Commission under section
7 101(h)(4)(A)(ii), such that the annual costs of the new
8 rule to the United States economy is offset by such re-
9 peals, in an amount equal to or greater than the cost of
10 the new rule, based on the regulatory cost reductions of
11 repeal identified by the Commission.

12 (b) ALTERNATIVE PROCEDURE.—An agency may, al-
13 ternatively, repeal rules or sets of rules of that agency
14 classified by the Commission under section
15 101(h)(4)(A)(ii) prior to the time specified in subsection
16 (a). If the agency so repeals such a rule or set of rules
17 and thereby reduces the annual, inflation-adjusted cost of
18 the rule or set of rules to the United States economy, the
19 agency may thereafter apply the reduction in regulatory
20 costs, based on the regulatory cost reductions of repeal
21 identified by the Commission, to meet, in whole or in part,
22 the regulatory cost reduction required under subsection
23 (a) of this section to be made at the time the agency pro-
24 mulgates a new rule.

1 (c) ACHIEVEMENT OF FULL NET COST REDUC-
2 TIONS.—

3 (1) IN GENERAL.—Subject to the provisions of
4 paragraph (2), an agency may offset the costs of a
5 new rule or set of rules by repealing a rule or set
6 of rules listed by the Commission under section
7 101(h)(4)(A)(ii) that implement the same statutory
8 authority as the new rule or set of rules.

9 (2) LIMITATION.—When using the authority
10 provided in paragraph (1), the agency must achieve
11 a net reduction in costs imposed by the agency's
12 body of rules (including the new rule or set of rules)
13 that is equal to or greater than the cost of the new
14 rule or set of rules to be promulgated, including,
15 whenever necessary, by repealing additional rules of
16 the agency listed by the Commission under section
17 101(h)(4)(A)(ii).

18 **SEC. 202. APPLICABILITY.**

19 An agency shall no longer be subject to the require-
20 ments of sections 201 and 203 beginning on the date that
21 there is no rule or set of rules of the agency classified
22 by the Commission under section 101(h)(4)(A)(ii) that has
23 not been repealed such that all regulatory cost reductions
24 identified by the Commission to be achievable through re-
25 peal have been achieved.

1 **SEC. 203. OIRA CERTIFICATION OF COST CALCULATIONS.**

2 The Administrator of the Office of Information and
3 Regulatory Affairs of the Office of Management and Budget
4 et shall review and certify the accuracy of agency deter-
5 minations of the costs of new rules under section 201. The
6 certification shall be included in the administrative record
7 of the relevant rule making by the agency promulgating
8 the rule, and the Administrator shall transmit a copy of
9 the certification to Congress when it transmits the certifi-
10 cation to the agency.

11 **TITLE III—RETROSPECTIVE**
12 **REVIEW OF NEW RULES**

13 **SEC. 301. PLAN FOR FUTURE REVIEW.**

14 When an agency makes a rule, the agency shall in-
15 clude in the final issuance of such rule a plan for the re-
16 view of such rule by not later than 10 years after the date
17 such rule is made. Such a review, in the case of a major
18 rule, shall be substantially similar to the review by the
19 Commission under section 101(h). In the case of a rule
20 other than a major rule, the agency's plan for review shall
21 include other procedures and standards to enable the
22 agency to determine whether to repeal or amend the rule
23 to eliminate unnecessary regulatory costs to the economy.
24 Whenever feasible, the agency shall include a proposed
25 plan for review of a proposed rule in its notice of proposed
26 rulemaking and shall receive public comment on the plan.

1 **TITLE IV—JUDICIAL REVIEW**

2 **SEC. 401. JUDICIAL REVIEW.**

3 (a) IMMEDIATE REPEALS.—Agency compliance with
4 section 101(j) of this Act shall be subject to judicial review
5 under chapter 7 of title 5, United States Code.

6 (b) CUT-GO PROCEDURES.—Agency compliance with
7 title II of this Act shall be subject to judicial review under
8 chapter 7 of title 5, United States Code.

9 (c) PLANS FOR FUTURE REVIEW.—Agency compli-
10 ance with section 301 shall be subject to judicial review
11 under chapter 7 of title 5, United States Code.

12 **TITLE V—MISCELLANEOUS** 13 **PROVISIONS**

14 **SEC. 501. DEFINITIONS.**

15 In this Act:

16 (1) The term “agency” has the meaning given
17 such term in section 551 of title 5, United States
18 Code.

19 (2) The term “Commission” means the Retro-
20 spective Regulatory Review Commission established
21 under section 101.

22 (3) The term “major rule” means any rule that
23 the Administrator of the Office of Information and
24 Regulatory Affairs determines is likely to impose—

1 (A) an annual cost on the economy of
2 \$100,000,000 or more, adjusted annually for
3 inflation;

4 (B) a major increase in costs or prices for
5 consumers, individual industries, Federal,
6 State, local, or tribal government agencies, or
7 geographic regions;

8 (C) significant adverse effects on competi-
9 tion, employment, investment, productivity, in-
10 novation, or on the ability of United States-
11 based enterprises to compete with foreign-based
12 enterprises in domestic and export markets; or

13 (D) significant impacts on multiple sectors
14 of the economy.

15 (4) The term “set of rules” means a set of
16 rules that collectively implements a regulatory au-
17 thority of an agency.

18 (5) The term “rule” has the meaning given
19 such term in section 551 of title 5, United States
20 Code.

21 **SEC. 502. EFFECTIVE DATE.**

22 This Act and the amendments made by this Act shall
23 take effect beginning on the date of enactment.