

114TH CONGRESS
1ST SESSION

H. R. 427

To amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2015

Mr. YOUNG of Indiana (for himself, Mr. MASSIE, Mr. SIMPSON, Mr. BRADY of Texas, Mr. DESJARLAIS, Mr. SMITH of Texas, Mr. SMITH of Nebraska, Mr. JONES, Mr. JENKINS of West Virginia, Mr. ROUZER, Mr. MURPHY of Pennsylvania, Mr. ROE of Tennessee, Mr. POSEY, Mr. SESSIONS, Mr. FRANKS of Arizona, Mr. STEWART, Mr. RIBBLE, Mr. WEBER of Texas, Mr. ROTHFUS, Mr. TIPTON, Mr. YOHIO, Mr. THORNBERRY, Mr. WESTMORELAND, Mr. TURNER, Mr. BRIDENSTINE, Mr. KELLY of Pennsylvania, Mr. FLORES, Mr. PEARCE, Mr. WILSON of South Carolina, Mr. CHAFFETZ, Mr. RODNEY DAVIS of Illinois, Mr. MCCAUL, Mr. RICE of South Carolina, Mr. HANNA, Mr. STIVERS, Mr. DUNCAN of South Carolina, Mr. OLSON, Mr. BLUM, Mr. GRAVES of Missouri, Mr. WILLIAMS, Mr. HARPER, Mr. HUIZENGA of Michigan, Mr. LONG, Mr. BENISHEK, Mr. SALMON, Mrs. BLACK, Mr. MCKINLEY, Mr. GIBSON, Mr. JOLLY, Mr. POMPEO, Mr. LATTA, Mr. GOODLATTE, Mr. MULLIN, Mr. WALBERG, Mr. BUCSHON, Mr. PITTENGER, Mr. FINCHER, Mr. FARENTHOLD, Mr. HUELSKAMP, Mr. GOSAR, Mr. MCCLINTOCK, Mr. YOUNG of Alaska, Mr. COLE, Mr. FORTENBERRY, Mr. BOUSTANY, Mr. COSTELLO of Pennsylvania, Mr. CRENSHAW, Mr. VALADAO, Mr. BROOKS of Alabama, Mr. ROKITA, Mr. GIBBS, Mr. CULBERSON, Mr. CLAWSON of Florida, Mr. MESSER, Mr. FORBES, Mr. BARR, Mrs. NOEM, Mr. WEBSTER of Florida, Mr. HUNTER, Mr. DIAZ-BALART, Mr. CHABOT, Mrs. MCMORRIS RODGERS, Mr. GUTHRIE, Mr. HUDSON, Ms. JENKINS of Kansas, Mr. TIBERI, Mr. WENSTRUP, Mrs. LUMMIS, Mr. GARRETT, Mr. CRAWFORD, Mrs. BLACKBURN, Mr. NUGENT, Mr. SHIMKUS, Mr. FITZPATRICK, Mr. DUNCAN of Tennessee, Mr. SAM JOHNSON of Texas, Mr. LAMALFA, Mr. PALAZZO, Mr. FLEISCHMANN, Mr. MEADOWS, Mr. HENSARLING, Mr. GUINTA, Mr. GOHMERT, Mr. BYRNE, Mr. LOUDERMILK, Mr. MILLER of Florida, Mrs. WALORSKI, Mr. ROSKAM, Mr. GROTHMAN, Mr. NUNNELEE, Mr. NUNES, Mr. CRAMER, Mr. YODER, Mrs. BROOKS of Indiana, Mr. ROGERS of Alabama, Mr. HARDY, Mr. SMITH of Missouri, Mr. GRIFFITH, Mr. FRELINGHUYSEN, Mrs. WAGNER, Mr. BABIN, Mr. COLLINS of New York, Mr. SCHOCK, Mr. HULTGREN, Mr. DESANTIS, Mr. WOMACK, Mr.

KLINE, Mr. HECK of Nevada, Mr. MARINO, Mr. RYAN of Wisconsin, Mr. LAMBORN, Mr. MULVANEY, Mr. AMODEI, and Mr. MOONEY of West Virginia) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Rules and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

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 “Regulations From the
 5 Executive in Need of Scrutiny Act of 2015”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to increase accountability
 8 for and transparency in the Federal regulatory process.
 9 Section 1 of article I of the United States Constitution
 10 grants all legislative powers to Congress. Over time, Con-
 11 gress has excessively delegated its constitutional charge
 12 while failing to conduct appropriate oversight and retain
 13 accountability for the content of the laws it passes. By
 14 requiring a vote in Congress, the REINS Act will result
 15 in more carefully drafted and detailed legislation, an im-

1 proved regulatory process, and a legislative branch that
 2 is truly accountable to the American people for the laws
 3 imposed upon them.

4 **SEC. 3. CONGRESSIONAL REVIEW OF AGENCY RULE-**
 5 **MAKING.**

6 Chapter 8 of title 5, United States Code, is amended
 7 to read as follows:

8 **“CHAPTER 8—CONGRESSIONAL REVIEW**
 9 **OF AGENCY RULEMAKING**

“Sec.

“801. Congressional review.

“802. Congressional approval procedure for major rules.

“803. Congressional disapproval procedure for nonmajor rules.

“804. Definitions.

“805. Judicial review.

“806. Exemption for monetary policy.

“807. Effective date of certain rules.

10 **“§ 801. Congressional review**

11 “(a)(1)(A) Before a rule may take effect, the Federal
 12 agency promulgating such rule shall submit to each House
 13 of the Congress and to the Comptroller General a report
 14 containing—

15 “(i) a copy of the rule;

16 “(ii) a concise general statement relating to the
 17 rule;

18 “(iii) a classification of the rule as a major or
 19 nonmajor rule, including an explanation of the clas-
 20 sification specifically addressing each criteria for a

1 major rule contained within sections 804(2)(A),
2 804(2)(B), and 804(2)(C);

3 “(iv) a list of any other related regulatory ac-
4 tions intended to implement the same statutory pro-
5 vision or regulatory objective as well as the indi-
6 vidual and aggregate economic effects of those ac-
7 tions; and

8 “(v) the proposed effective date of the rule.

9 “(B) On the date of the submission of the report
10 under subparagraph (A), the Federal agency promulgating
11 the rule shall submit to the Comptroller General and make
12 available to each House of Congress—

13 “(i) a complete copy of the cost-benefit analysis
14 of the rule, if any;

15 “(ii) the agency’s actions pursuant to sections
16 603, 604, 605, 607, and 609 of this title;

17 “(iii) the agency’s actions pursuant to sections
18 202, 203, 204, and 205 of the Unfunded Mandates
19 Reform Act of 1995; and

20 “(iv) any other relevant information or require-
21 ments under any other Act and any relevant Execu-
22 tive orders.

23 “(C) Upon receipt of a report submitted under sub-
24 paragraph (A), each House shall provide copies of the re-
25 port to the chairman and ranking member of each stand-

1 ing committee with jurisdiction under the rules of the
2 House of Representatives or the Senate to report a bill
3 to amend the provision of law under which the rule is
4 issued.

5 “(2)(A) The Comptroller General shall provide a re-
6 port on each major rule to the committees of jurisdiction
7 by the end of 15 calendar days after the submission or
8 publication date as provided in section 802(b)(2). The re-
9 port of the Comptroller General shall include an assess-
10 ment of the agency’s compliance with procedural steps re-
11 quired by paragraph (1)(B).

12 “(B) Federal agencies shall cooperate with the Comp-
13 troller General by providing information relevant to the
14 Comptroller General’s report under subparagraph (A).

15 “(3) A major rule relating to a report submitted
16 under paragraph (1) shall take effect upon enactment of
17 a joint resolution of approval described in section 802 or
18 as provided for in the rule following enactment of a joint
19 resolution of approval described in section 802, whichever
20 is later.

21 “(4) A nonmajor rule shall take effect as provided
22 by section 803 after submission to Congress under para-
23 graph (1).

24 “(5) If a joint resolution of approval relating to a
25 major rule is not enacted within the period provided in

1 subsection (b)(2), then a joint resolution of approval relat-
2 ing to the same rule may not be considered under this
3 chapter in the same Congress by either the House of Rep-
4 resentatives or the Senate.

5 “(b)(1) A major rule shall not take effect unless the
6 Congress enacts a joint resolution of approval described
7 under section 802.

8 “(2) If a joint resolution described in subsection (a)
9 is not enacted into law by the end of 70 session days or
10 legislative days, as applicable, beginning on the date on
11 which the report referred to in section 801(a)(1)(A) is re-
12 ceived by Congress (excluding days either House of Con-
13 gress is adjourned for more than 3 days during a session
14 of Congress), then the rule described in that resolution
15 shall be deemed not to be approved and such rule shall
16 not take effect.

17 “(c)(1) Notwithstanding any other provision of this
18 section (except subject to paragraph (3)), a major rule
19 may take effect for one 90-calendar-day period if the
20 President makes a determination under paragraph (2) and
21 submits written notice of such determination to the Con-
22 gress.

23 “(2) Paragraph (1) applies to a determination made
24 by the President by Executive order that the major rule
25 should take effect because such rule is—

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

3 “(B) necessary for the enforcement of criminal
4 laws;

5 “(C) necessary for national security; or

6 “(D) issued pursuant to any statute imple-
7 menting an international trade agreement.

8 “(3) An exercise by the President of the authority
9 under this subsection shall have no effect on the proce-
10 dures under section 802.

11 “(d)(1) In addition to the opportunity for review oth-
12 erwise provided under this chapter, in the case of any rule
13 for which a report was submitted in accordance with sub-
14 section (a)(1)(A) during the period beginning on the date
15 occurring—

16 “(A) in the case of the Senate, 60 session days,
17 or

18 “(B) in the case of the House of Representa-
19 tives, 60 legislative days,

20 before the date the Congress is scheduled to adjourn a
21 session of Congress through the date on which the same
22 or succeeding Congress first convenes its next session, sec-
23 tions 802 and 803 shall apply to such rule in the suc-
24 ceeding session of Congress.

1 “(2)(A) In applying sections 802 and 803 for pur-
 2 poses of such additional review, a rule described under
 3 paragraph (1) shall be treated as though—

4 “(i) such rule were published in the Federal
 5 Register on—

6 “(I) in the case of the Senate, the 15th
 7 session day, or

8 “(II) in the case of the House of Rep-
 9 resentatives, the 15th legislative day,
 10 after the succeeding session of Congress first con-
 11 venes; and

12 “(ii) a report on such rule were submitted to
 13 Congress under subsection (a)(1) on such date.

14 “(B) Nothing in this paragraph shall be construed
 15 to affect the requirement under subsection (a)(1) that a
 16 report shall be submitted to Congress before a rule can
 17 take effect.

18 “(3) A rule described under paragraph (1) shall take
 19 effect as otherwise provided by law (including other sub-
 20 sections of this section).

21 **“§ 802. Congressional approval procedure for major**
 22 **rules**

23 “(a)(1) For purposes of this section, the term ‘joint
 24 resolution’ means only a joint resolution addressing a re-

1 port classifying a rule as major pursuant to section
2 801(a)(1)(A)(iii) that—

3 “(A) bears no preamble;

4 “(B) bears the following title (with blanks filled
5 as appropriate): ‘Approving the rule submitted by
6 _____ relating to _____.’;

7 “(C) includes after its resolving clause only the
8 following (with blanks filled as appropriate): ‘That
9 Congress approves the rule submitted by _____ re-
10 lating to _____.’; and

11 “(D) is introduced pursuant to paragraph (2).

12 “(2) After a House of Congress receives a report
13 classifying a rule as major pursuant to section
14 801(a)(1)(A)(iii), the majority leader of that House (or
15 his or her respective designee) shall introduce (by request,
16 if appropriate) a joint resolution described in paragraph
17 (1)—

18 “(A) in the case of the House of Representa-
19 tives, within three legislative days; and

20 “(B) in the case of the Senate, within three ses-
21 sion days.

22 “(3) A joint resolution described in paragraph (1)
23 shall not be subject to amendment at any stage of pro-
24 ceeding.

1 “(b) A joint resolution described in subsection (a)
2 shall be referred in each House of Congress to the commit-
3 tees having jurisdiction over the provision of law under
4 which the rule is issued.

5 “(c) In the Senate, if the committee or committees
6 to which a joint resolution described in subsection (a) has
7 been referred have not reported it at the end of 15 session
8 days after its introduction, such committee or committees
9 shall be automatically discharged from further consider-
10 ation of the resolution and it shall be placed on the cal-
11 endar. A vote on final passage of the resolution shall be
12 taken on or before the close of the 15th session day after
13 the resolution is reported by the committee or committees
14 to which it was referred, or after such committee or com-
15 mittees have been discharged from further consideration
16 of the resolution.

17 “(d)(1) In the Senate, when the committee or com-
18 mittees to which a joint resolution is referred have re-
19 ported, or when a committee or committees are discharged
20 (under subsection (c)) from further consideration of a
21 joint resolution described in subsection (a), it is at any
22 time thereafter in order (even though a previous motion
23 to the same effect has been disagreed to) for a motion
24 to proceed to the consideration of the joint resolution, and
25 all points of order against the joint resolution (and against

1 consideration of the joint resolution) are waived. The mo-
2 tion is not subject to amendment, or to a motion to post-
3 pone, or to a motion to proceed to the consideration of
4 other business. A motion to reconsider the vote by which
5 the motion is agreed to or disagreed to shall not be in
6 order. If a motion to proceed to the consideration of the
7 joint resolution is agreed to, the joint resolution shall re-
8 main the unfinished business of the Senate until disposed
9 of.

10 “(2) In the Senate, debate on the joint resolution,
11 and on all debatable motions and appeals in connection
12 therewith, shall be limited to not more than 2 hours, which
13 shall be divided equally between those favoring and those
14 opposing the joint resolution. A motion to further limit
15 debate is in order and not debatable. An amendment to,
16 or a motion to postpone, or a motion to proceed to the
17 consideration of other business, or a motion to recommit
18 the joint resolution is not in order.

19 “(3) In the Senate, immediately following the conclu-
20 sion of the debate on a joint resolution described in sub-
21 section (a), and a single quorum call at the conclusion of
22 the debate if requested in accordance with the rules of the
23 Senate, the vote on final passage of the joint resolution
24 shall occur.

1 “(4) Appeals from the decisions of the Chair relating
2 to the application of the rules of the Senate to the proce-
3 dure relating to a joint resolution described in subsection
4 (a) shall be decided without debate.

5 “(e) In the House of Representatives, if any com-
6 mittee to which a joint resolution described in subsection
7 (a) has been referred has not reported it to the House
8 at the end of 15 legislative days after its introduction,
9 such committee shall be discharged from further consider-
10 ation of the joint resolution, and it shall be placed on the
11 appropriate calendar. On the second and fourth Thursdays
12 of each month it shall be in order at any time for the
13 Speaker to recognize a Member who favors passage of a
14 joint resolution that has appeared on the calendar for at
15 least 5 legislative days to call up that joint resolution for
16 immediate consideration in the House without intervention
17 of any point of order. When so called up a joint resolution
18 shall be considered as read and shall be debatable for 1
19 hour equally divided and controlled by the proponent and
20 an opponent, and the previous question shall be considered
21 as ordered to its passage without intervening motion. It
22 shall not be in order to reconsider the vote on passage.
23 If a vote on final passage of the joint resolution has not
24 been taken by the third Thursday on which the Speaker

1 may recognize a Member under this subsection, such vote
2 shall be taken on that day.

3 “(f)(1) If, before passing a joint resolution described
4 in subsection (a), one House receives from the other a
5 joint resolution having the same text, then—

6 “(A) the joint resolution of the other House
7 shall not be referred to a committee; and

8 “(B) the procedure in the receiving House shall
9 be the same as if no joint resolution had been re-
10 ceived from the other House until the vote on pas-
11 sage, when the joint resolution received from the
12 other House shall supplant the joint resolution of
13 the receiving House.

14 “(2) This subsection shall not apply to the House of
15 Representatives if the joint resolution received from the
16 Senate is a revenue measure.

17 “(g) If either House has not taken a vote on final
18 passage of the joint resolution by the last day of the period
19 described in section 801(b)(2), then such vote shall be
20 taken on that day.

21 “(h) This section and section 803 are enacted by
22 Congress—

23 “(1) as an exercise of the rulemaking power of
24 the Senate and House of Representatives, respec-
25 tively, and as such is deemed to be part of the rules

1 of each House, respectively, but applicable only with
 2 respect to the procedure to be followed in that
 3 House in the case of a joint resolution described in
 4 subsection (a) and superseding other rules only
 5 where explicitly so; and

6 “(2) with full recognition of the Constitutional
 7 right of either House to change the rules (so far as
 8 they relate to the procedure of that House) at any
 9 time, in the same manner and to the same extent as
 10 in the case of any other rule of that House.

11 **“§ 803. Congressional disapproval procedure for**
 12 **nonmajor rules**

13 “(a) For purposes of this section, the term ‘joint res-
 14 olution’ means only a joint resolution introduced in the
 15 period beginning on the date on which the report referred
 16 to in section 801(a)(1)(A) is received by Congress and
 17 ending 60 days thereafter (excluding days either House
 18 of Congress is adjourned for more than 3 days during a
 19 session of Congress), the matter after the resolving clause
 20 of which is as follows: ‘That Congress disapproves the
 21 nonmajor rule submitted by the _____ relating to
 22 _____, and such rule shall have no force or effect.’ (The
 23 blank spaces being appropriately filled in).

1 “(b)(1) A joint resolution described in subsection (a)
2 shall be referred to the committees in each House of Con-
3 gress with jurisdiction.

4 “(2) For purposes of this section, the term submis-
5 sion or publication date means the later of the date on
6 which—

7 “(A) the Congress receives the report submitted
8 under section 801(a)(1); or

9 “(B) the nonmajor rule is published in the Fed-
10 eral Register, if so published.

11 “(c) In the Senate, if the committee to which is re-
12 ferred a joint resolution described in subsection (a) has
13 not reported such joint resolution (or an identical joint
14 resolution) at the end of 15 session days after the date
15 of introduction of the joint resolution, such committee may
16 be discharged from further consideration of such joint res-
17 olution upon a petition supported in writing by 30 Mem-
18 bers of the Senate, and such joint resolution shall be
19 placed on the calendar.

20 “(d)(1) In the Senate, when the committee to which
21 a joint resolution is referred has reported, or when a com-
22 mittee is discharged (under subsection (c)) from further
23 consideration of a joint resolution described in subsection
24 (a), it is at any time thereafter in order (even though a
25 previous motion to the same effect has been disagreed to)

1 for a motion to proceed to the consideration of the joint
2 resolution, and all points of order against the joint resolu-
3 tion (and against consideration of the joint resolution) are
4 waived. The motion is not subject to amendment, or to
5 a motion to postpone, or to a motion to proceed to the
6 consideration of other business. A motion to reconsider the
7 vote by which the motion is agreed to or disagreed to shall
8 not be in order. If a motion to proceed to the consideration
9 of the joint resolution is agreed to, the joint resolution
10 shall remain the unfinished business of the Senate until
11 disposed of.

12 “(2) In the Senate, debate on the joint resolution,
13 and on all debatable motions and appeals in connection
14 therewith, shall be limited to not more than 10 hours,
15 which shall be divided equally between those favoring and
16 those opposing the joint resolution. A motion to further
17 limit debate is in order and not debatable. An amendment
18 to, or a motion to postpone, or a motion to proceed to
19 the consideration of other business, or a motion to recom-
20 mit the joint resolution is not in order.

21 “(3) In the Senate, immediately following the conclu-
22 sion of the debate on a joint resolution described in sub-
23 section (a), and a single quorum call at the conclusion of
24 the debate if requested in accordance with the rules of the

1 Senate, the vote on final passage of the joint resolution
2 shall occur.

3 “(4) Appeals from the decisions of the Chair relating
4 to the application of the rules of the Senate to the proce-
5 dure relating to a joint resolution described in subsection
6 (a) shall be decided without debate.

7 “(e) In the Senate the procedure specified in sub-
8 section (c) or (d) shall not apply to the consideration of
9 a joint resolution respecting a nonmajor rule—

10 “(1) after the expiration of the 60 session days
11 beginning with the applicable submission or publica-
12 tion date, or

13 “(2) if the report under section 801(a)(1)(A)
14 was submitted during the period referred to in sec-
15 tion 801(d)(1), after the expiration of the 60 session
16 days beginning on the 15th session day after the
17 succeeding session of Congress first convenes.

18 “(f) If, before the passage by one House of a joint
19 resolution of that House described in subsection (a), that
20 House receives from the other House a joint resolution
21 described in subsection (a), then the following procedures
22 shall apply:

23 “(1) The joint resolution of the other House
24 shall not be referred to a committee.

1 “(2) With respect to a joint resolution described
2 in subsection (a) of the House receiving the joint
3 resolution—

4 “(A) the procedure in that House shall be
5 the same as if no joint resolution had been re-
6 ceived from the other House; but

7 “(B) the vote on final passage shall be on
8 the joint resolution of the other House.

9 **“§ 804. Definitions**

10 “For purposes of this chapter—

11 “(1) The term ‘Federal agency’ means any
12 agency as that term is defined in section 551(1).

13 “(2) The term ‘major rule’ means any rule, in-
14 cluding an interim final rule, that the Administrator
15 of the Office of Information and Regulatory Affairs
16 of the Office of Management and Budget finds has
17 resulted in or is likely to result in—

18 “(A) an annual effect on the economy of
19 \$100,000,000 or more;

20 “(B) a major increase in costs or prices for
21 consumers, individual industries, Federal,
22 State, or local government agencies, or geo-
23 graphic regions; or

24 “(C) significant adverse effects on competi-
25 tion, employment, investment, productivity, in-

1 novation, or on the ability of United States-
2 based enterprises to compete with foreign-based
3 enterprises in domestic and export markets.

4 “(3) The term ‘nonmajor rule’ means any rule
5 that is not a major rule.

6 “(4) The term ‘rule’ has the meaning given
7 such term in section 551, except that such term does
8 not include—

9 “(A) any rule of particular applicability,
10 including a rule that approves or prescribes for
11 the future rates, wages, prices, services, or al-
12 lowances therefore, corporate or financial struc-
13 tures, reorganizations, mergers, or acquisitions
14 thereof, or accounting practices or disclosures
15 bearing on any of the foregoing;

16 “(B) any rule relating to agency manage-
17 ment or personnel; or

18 “(C) any rule of agency organization, pro-
19 cedure, or practice that does not substantially
20 affect the rights or obligations of non-agency
21 parties.

22 **“§ 805. Judicial review**

23 “(a) No determination, finding, action, or omission
24 under this chapter shall be subject to judicial review.

1 “(b) Notwithstanding subsection (a), a court may de-
2 termine whether a Federal agency has completed the nec-
3 essary requirements under this chapter for a rule to take
4 effect.

5 “(c) The enactment of a joint resolution of approval
6 under section 802 shall not be interpreted to serve as a
7 grant or modification of statutory authority by Congress
8 for the promulgation of a rule, shall not extinguish or af-
9 fect any claim, whether substantive or procedural, against
10 any alleged defect in a rule, and shall not form part of
11 the record before the court in any judicial proceeding con-
12 cerning a rule except for purposes of determining whether
13 or not the rule is in effect.

14 **“§ 806. Exemption for monetary policy**

15 “Nothing in this chapter shall apply to rules that con-
16 cern monetary policy proposed or implemented by the
17 Board of Governors of the Federal Reserve System or the
18 Federal Open Market Committee.

19 **“§ 807. Effective date of certain rules**

20 “Notwithstanding section 801—

21 “(1) any rule that establishes, modifies, opens,
22 closes, or conducts a regulatory program for a com-
23 mercial, recreational, or subsistence activity related
24 to hunting, fishing, or camping; or

1 “(2) any rule other than a major rule which an
 2 agency for good cause finds (and incorporates the
 3 finding and a brief statement of reasons therefore in
 4 the rule issued) that notice and public procedure
 5 thereon are impracticable, unnecessary, or contrary
 6 to the public interest,
 7 shall take effect at such time as the Federal agency pro-
 8 mulgating the rule determines.”.

9 **SEC. 4. BUDGETARY EFFECTS OF RULES SUBJECT TO SEC-**
 10 **TION 802 OF TITLE 5, UNITED STATES CODE.**

11 Section 257(b)(2) of the Balanced Budget and Emer-
 12 gency Deficit Control Act of 1985 is amended by adding
 13 at the end the following new subparagraph:

14 “(E) BUDGETARY EFFECTS OF RULES
 15 SUBJECT TO SECTION 802 OF TITLE 5, UNITED
 16 STATES CODE.—Any rules subject to the con-
 17 gressional approval procedure set forth in sec-
 18 tion 802 of chapter 8 of title 5, United States
 19 Code, affecting budget authority, outlays, or re-
 20 ceipts shall be assumed to be effective unless it
 21 is not approved in accordance with such sec-
 22 tion.”.

○