

AMENDMENT TO H.R. 3438
OFFERED BY MR. GOODLATTE OF VIRGINIA

Strike all that follows after the enacting clause and
insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Require Evaluation
3 before Implementing Executive Wishlists Act of 2016” or
4 as the “REVIEW Act of 2016”.

5 SEC. 2. RELIEF PENDING REVIEW.

6 Section 705 of title 5, United States Code, is amend-
7 ed—

8 (1) by striking “When” and inserting the fol-
9 lowing:

10 “(a) IN GENERAL.—When”; and

11 (2) by adding at the end the following:

12 “(b) HIGH-IMPACT RULES.—

13 “(1) DEFINITIONS.—In this subsection—

14 “(A) the term ‘Administrator’ means the
15 Administrator of the Office of Information and
16 Regulatory Affairs of the Office of Management
17 and Budget; and

18 “(B) the term ‘high-impact rule’ means
19 any rule that the Administrator determines may

1 impose an annual cost on the economy of not
2 less than \$1,000,000,000.

3 “(2) IDENTIFICATION.—A final rule may not be
4 published or take effect until the agency making the
5 rule submits the rule to the Administrator and the
6 Administrator makes a determination as to whether
7 the rule is a high-impact rule, which shall be pub-
8 lished by the agency with the final rule.

9 “(3) RELIEF.—

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B), an agency shall postpone the
12 effective date of a high-impact rule of the agen-
13 cy until the final disposition of all actions seek-
14 ing judicial review of the rule.

15 “(B) FAILURE TO TIMELY SEEK JUDICIAL
16 REVIEW.—Notwithstanding section 553(d), if
17 no person seeks judicial review of a high-impact
18 rule—

19 “(i) during any period explicitly pro-
20 vided for judicial review under the statute
21 authorizing the making of the rule; or

22 “(ii) if no such period is explicitly pro-
23 vided for, during the 60-day period begin-
24 ning on the date on which the high-impact
25 rule is published in the Federal Register,

1 the high-impact rule may take effect as early as
2 the date on which the applicable period ends.

3 “(4) RULE OF CONSTRUCTION.—Nothing in
4 this subsection may be construed to impose any limi-
5 tation under law on any court against the issuance
6 of any order enjoining the implementation of any
7 rule.”.

