

104TH CONGRESS  
1ST SESSION

# H. R. 450

To ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 1995

Mr. DELAY (for himself, Mr. MCINTOSH, Mr. SMITH of Texas, Mr. BONILLA, Mr. HASTERT, Mr. BOEHNER, Mr. MICA, Mr. MILLER of Florida, Mr. HUTCHINSON, Mr. DOOLITTLE, Mr. POMBO, Mr. TALENT, Mr. ZELIFF, Mrs. CUBIN, Mr. HEFLEY, Mr. SCARBOROUGH, Mr. SHADEGG, Mr. SOUDER, Mr. LONGLEY, Mr. TATE, Mr. WAMP, Mr. STOCKMAN, Mr. WELLER, Mrs. MYRICK, Mr. HAYWORTH, Mr. EHRLICH, Mrs. SEASTRAND, Mr. CHABOT, Mr. FOX, Mr. BARR, Mrs. SMITH, Mr. BILLEY, and Mr. EWING) introduced the following bill; which was referred to the Committee on Government Reform and Oversight and, in addition, to the Committee on the Judiciary, 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

JANUARY 23, 1995

Additional sponsors: Ms. DUNN of Washington, Mr. DICKEY, Mr. FORBES, Mr. HANCOCK, Mr. CHRISTENSEN, Mr. FUNDERBURK, Mr. GOODLATTE, Mr. COBURN, Mr. HUNTER, Mr. JONES, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. MARTINI, Mr. BONO, Mr. WHITFIELD, Mr. COX of California, Mr. CUNNINGHAM, Mr. LARGENT, Mr. MCHUGH, Mr. CLINGER, Mr. DORNAN, Mr. LAHOOD, Mr. BUNNING of Kentucky, Mr. WICKER, Mr. DREIER, Mr. PETERSON of Minnesota, Mr. BAKER of California, Mr. DAVIS, Mr. BLUTE, Mr. NETHERCUTT, Mr. LINDER, Mr. NEY, Mr. CANADY of Florida, Mr. COMBEST, Mr. ROYCE, Mr. THORNBERRY, Mr. BARCIA, Mr. BARTLETT of Maryland, Mr. GALLEGLY, Mr. HOSTETTLER, Mr. PETE GEREN of Texas, Mr. BAKER of Louisiana, Ms. DANNER, Ms. PRYCE, Mr. INGLIS of South Carolina, Mr. SENSENBRENNER, Mr. SKEEN, and Mr. LATOURETTE

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# A BILL

To ensure economy and efficiency of Federal Government operations by establishing 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 “Regulatory Transition  
5        Act of 1995”.

6        **SEC. 2. FINDING.**

7        The Congress finds that effective steps for improving  
8        the efficiency and proper management of Government op-  
9        erations will be promoted if a moratorium on new rule-  
10       making actions is imposed and an inventory of such action  
11       is conducted.

12       **SEC. 3. MORATORIUM ON REGULATIONS.**

13       (a) MORATORIUM.—Until the end of the moratorium  
14       period, a Federal agency may not take any regulatory  
15       rulemaking action, unless an exception is provided under  
16       section 5. Beginning 30 days after the date of the enact-  
17       ment of this Act, the effectiveness of any regulatory rule-  
18       making action taken or made effective during the morato-  
19       rium period but before the date of the enactment shall  
20       be suspended until July 1, 1995, unless an exception is  
21       provided under section 5.

1 (b) INVENTORY OF RULEMAKINGS.—Not later than  
2 30 days after the date of the enactment of this Act, the  
3 President shall conduct an inventory and publish in the  
4 Federal Register a list of all regulatory rulemaking actions  
5 covered by subsection (a) taken or made effective during  
6 the moratorium period but before the date of the enact-  
7 ment.

8 **SEC. 4. SPECIAL RULE ON STATUTORY, REGULATORY, AND**  
9 **JUDICIAL DEADLINES.**

10 (a) IN GENERAL.—Any deadline for, relating to, or  
11 involving any action dependent upon, any regulatory rule-  
12 making actions authorized or required to be taken before  
13 the end of the moratorium period is extended for 5 months  
14 or until July 1, 1995, whichever is later.

15 (b) DEADLINE DEFINED.—The term “deadline”  
16 means any date certain for fulfilling any obligation or ex-  
17 ercising any authority established by or under any Federal  
18 statute or regulation, or by or under any court order im-  
19 plementing any Federal statute or regulation.

20 (c) IDENTIFICATION OF POSTPONED DEADLINES.—  
21 Not later than 30 days after the date of the enactment  
22 of this Act, the President shall identify and publish in the  
23 Federal Register a list of deadlines covered by subsection  
24 (a).

1 **SEC. 5. EMERGENCY EXCEPTIONS; EXCLUSIONS.**

2 (a) EMERGENCY EXCEPTION.—Section 3(a) or 4(a),  
3 or both, shall not apply to a regulatory rulemaking action  
4 if—

5 (1) the head of a Federal agency otherwise au-  
6 thorized to take the action submits a written request  
7 to the President and a copy thereof to the appro-  
8 priate committees of each House of the Congress;

9 (2) the President finds, by Executive order,  
10 that a waiver for the action is (A) necessary because  
11 of an imminent threat to health or safety or other  
12 emergency, or (B) necessary for the enforcement of  
13 criminal laws; and

14 (3) the Federal agency head publishes the find-  
15 ing and waiver in the Federal Register.

16 (b) EXCLUSIONS.—The head of an agency shall pub-  
17 lish in the Federal Register any action excluded because  
18 of a certification under section 6(3)(B).

19 **SEC. 6. DEFINITIONS.**

20 For purposes of this Act:

21 (1) FEDERAL AGENCY.—The term “Federal  
22 agency” means any agency as that term is defined  
23 in section 551(1) of title 5, United States Code (re-  
24 lating to administrative procedure).

1           (2) MORATORIUM PERIOD.—The term “morato-  
2           rium period” means that period of time beginning  
3           November 9, 1994, and ending June 30, 1995.

4           (3) REGULATORY RULEMAKING ACTION.—

5           (A) IN GENERAL.—The term “regulatory  
6           rulemaking action” means any rulemaking on  
7           any rule normally published in the Federal Reg-  
8           ister, including—

9                   (i) the issuance of any substantive  
10                  rule, interpretative rule, statement of agen-  
11                  cy policy, notice of inquiry, advance notice  
12                  of proposed rulemaking, or notice of pro-  
13                  posed rulemaking, and

14                  (ii) any other action taken in the  
15                  course of the process of rulemaking (except  
16                  a cost benefit analysis or risk assessment,  
17                  or both).

18           (B) EXCLUSIONS.—The term “regulatory  
19           rulemaking” does not include—

20                   (i) any agency action that the head of  
21                  the agency certifies is limited to repealing,  
22                  narrowing, or streamlining a rule, regula-  
23                  tion, or administrative process or otherwise  
24                  reducing regulatory burdens; or

1           (ii) any action that the head of the  
2           agency certifies is limited to matters relat-  
3           ing to military or foreign affairs functions,  
4           statutes implementing international trade  
5           agreements, or agency management, per-  
6           sonnel, or public property, loans, grants,  
7           benefits, or contracts.

8           (4) RULE.—The term “rule” means the whole  
9           or a part of an agency statement of general or par-  
10          ticular applicability and future effect designed to im-  
11          plement, interpret, or prescribe law or policy. Such  
12          term does not include the approval or prescription,  
13          on a case-by-case or consolidated case basis, for the  
14          future of rates, wages, corporation, or financial  
15          structures or reorganizations thereof, prices, facili-  
16          ties, appliances, services or allowances therefor, or of  
17          valuations, costs, or accounting, or practices bearing  
18          on any of the foregoing. Such term also does not in-  
19          clude the granting an application for a license, reg-  
20          istration, or similar authority, granting or recogniz-  
21          ing an exemption, granting a variance or petition for  
22          relief from a regulatory requirement, or other action  
23          relieving a restriction or taking any action necessary  
24          to permit new or improved applications of tech-  
25          nology.

1           (5) RULEMAKING.—The term “rulemaking”  
2           means agency process for formulating, amending, or  
3           repealing a rule.

4           (6) LICENSE.—The term “license” means the  
5           whole or part of an agency permit, certificate, ap-  
6           proval, registration, charter, membership, statutory  
7           exemption, or other form of permission.

8   **SEC. 7. CIVIL ACTION.**

9           In addition to any remedy otherwise available, who-  
10          ever is adversely affected by any conduct of a Federal  
11          agency in violation of section 3 or 4 may obtain appro-  
12          priate relief in a civil action against that agency. The court  
13          may award a prevailing plaintiff in an action under this  
14          section reasonable attorney’s fees.

15   **SEC. 8. RELATIONSHIP TO OTHER LAW; SEVERABILITY.**

16          (a) APPLICABILITY.—This Act shall apply notwith-  
17          standing any other provision of law.

18          (b) SEVERABILITY.—If any provision of this Act, or  
19          the application of any provision of this Act to any person  
20          or circumstance, is held invalid, the application of such  
21          provision to other persons or circumstances, and the re-  
22          mainder of this Act, shall not be affected thereby.

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