

112TH CONGRESS  
1ST SESSION

# H. R. 3181

To establish a moratorium on regulatory rulemaking actions and to repeal all rules that became effective after October 1, 1991, and are in effect as of the date of the enactment of this Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 13, 2011

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Oversight and Government Reform, 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

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## A BILL

To establish a moratorium on regulatory rulemaking actions and to repeal all rules that became effective after October 1, 1991, and are in effect as of the date of the enactment of this Act, 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 “Stop the Regulation  
5 Invasion Please Act of 2011” or “STRIP Act of 2011”.

1 **SEC. 2. MORATORIUM ON REGULATIONS.**

2 Except as provided in section 3, a Federal agency  
3 may not take any regulatory rulemaking action until the  
4 end of the moratorium period.

5 **SEC. 3. EMERGENCY EXCEPTIONS; EXCLUSIONS.**

6 (a) EMERGENCY EXCEPTION.—Section 2 shall not  
7 apply to a regulatory rulemaking action, and section 5(d)  
8 shall not apply to a rule, if—

9 (1) the head of a Federal agency otherwise au-  
10 thorized to take the action submits a written request  
11 to the Administrator of the Office of Information  
12 and Regulatory Affairs within the Office of Manage-  
13 ment and Budget and submits a copy of such re-  
14 quest to the Congress;

15 (2) the Administrator of the Office of Informa-  
16 tion and Regulatory Affairs within the Office of  
17 Management and Budget finds in writing that a  
18 waiver for the action or rule is—

19 (A) necessary because of an imminent  
20 threat to health or safety or other emergency;  
21 or

22 (B) necessary for the enforcement of crimi-  
23 nal laws; and

24 (3) the head of the Federal agency publishes  
25 the finding and waiver in the Federal Register.

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

4 (c) CIVIL RIGHTS EXCEPTION.—Section 2 shall not  
5 apply to a regulatory rulemaking action, and section 5(d)  
6 shall not apply to a rule, to establish or enforce any statu-  
7 tory rights against discrimination on the basis of age,  
8 race, religion, gender, national origin, or handicapped or  
9 disability status except such rulemaking actions or rules  
10 that establish, lead to, or otherwise rely on the use of a  
11 quota or preference based on age, race, religion, gender,  
12 national origin, or handicapped or disability status.

13 **SEC. 4. REVIEW OF RULES.**

14 (a) REVIEW AND REPORT REQUIRED.—Not later  
15 than 90 days after the date of the enactment of this Act,  
16 the Director of the Office of Management and Budget  
17 shall—

18 (1) conduct a review of each rule that became  
19 effective after October 1, 1991, and is in effect as  
20 of the date of the enactment of this Act; and

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

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

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

5           (2) A recommendation whether each rule should  
6           continue and, where applicable, recommendations for  
7           reform of a rule.

8           (3) The total number of minor and major rules  
9           that became effective after October 1, 1991, and are  
10          in effect as of the date of the enactment of this Act.

11          (c) UNIFORM STANDARD.—The Director of Office of  
12          Management and Budget shall apply a uniform standard  
13          for figures and cost summaries in the report required  
14          under subsection (a).

15          **SEC. 5. SUNSET PREVENTION PROCEEDINGS.**

16          (a) DESIGNATION OF FEDERAL AGENCY REGU-  
17          LATORY REVIEW OFFICER.—The head of each Federal  
18          agency shall designate an officer of the agency as the  
19          “Regulatory Review Officer” who shall be responsible for  
20          testifying before a committee of the House of Representa-  
21          tives or the Senate with regard to a request to prevent  
22          the repeal of a rule under subsection (c).

23          (b) REQUEST FOR COMMITTEE HEARING.—The Reg-  
24          ulatory Review Officer may submit a request for a hear-  
25          ing, with regard to a rule reviewed under section 4, to

1 the relevant committee of jurisdiction in the House of Rep-  
2 resentatives and the Senate 60 days after the report is  
3 submitted pursuant to section 4(a)(2).

4 (c) REQUEST TO PREVENT REPEAL OF A RULE.—  
5 During a hearing described in subsection (b), the Regu-  
6 latory Review Officer may request that a rule not be re-  
7 pealed. Such request shall include a description of the re-  
8 port submitted pursuant to section 4(a)(2), with respect  
9 to such rule.

10 (d) REPEAL OF RULES.—Except as provided in sec-  
11 tion 3, one year after the date of the enactment of this  
12 Act, all rules shall be repealed, unless otherwise specifi-  
13 cally authorized by law and enacted after the date of the  
14 enactment of this Act.

15 **SEC. 6. DEFINITIONS.**

16 For purposes of this Act:

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

20 (2) MAJOR RULE.—The term “major rule” has  
21 the meaning given that term in section 804 of title  
22 5, United States Code.

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

1 (A) beginning on the day after the date of  
2 the enactment of this Act; and

3 (B) ending on the later of—

4 (i) 14 days after the day on which the  
5 Director of the Office of Management and  
6 Budget publishes the report pursuant to  
7 section 4; or

8 (ii) two years after the date of the en-  
9 actment of this Act.

10 (4) REGULATORY RULEMAKING ACTION.—

11 (A) IN GENERAL.—The term “regulatory  
12 rulemaking action” means any rulemaking on  
13 any rule normally published in the Federal Reg-  
14 ister, including—

15 (i) the issuance of any substantive  
16 rule, interpretative rule, statement of agen-  
17 cy policy, notice of inquiry, advance notice  
18 of proposed rulemaking, or notice of pro-  
19 posed rulemaking, and

20 (ii) any other action taken in the  
21 course of the process of rulemaking (except  
22 a cost benefit analysis or risk assessment,  
23 or both).

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

1           (i) any agency action that the head of  
2           the agency and the Administrator of the  
3           Office of Information and Regulatory Af-  
4           fairs within the Office of Management and  
5           Budget certify in writing is limited to re-  
6           pealing, narrowing, or streamlining a rule,  
7           regulation, or administrative process or  
8           otherwise reducing regulatory burdens  
9           (meaning, Federal agencies could reduce or  
10          eliminate regulations on their own, during  
11          the moratorium);

12          (ii) any agency action that the head of  
13          the agency and the Administrator of the  
14          Office of Information and Regulatory Af-  
15          fairs within the Office of Management and  
16          Budget certify in writing is limited to mat-  
17          ters relating to military or foreign affairs  
18          functions, statutes implementing inter-  
19          national trade agreements, including all  
20          agency actions required by the Uruguay  
21          Round Agreements Act, or agency manage-  
22          ment, personnel, or public property, loans,  
23          grants, benefits, or contracts;

24          (iii) any agency action that the head  
25          of the agency and the Administrator of the

1 Office of Information and Regulatory Af-  
2 fairs within the Office of Management and  
3 Budget certify in writing is limited to a  
4 routine administrative function of the  
5 agency;

6 (iv) any agency action that—

7 (I) is taken by an agency that su-  
8 pervises and regulates insured deposi-  
9 tory institutions, affiliates of such in-  
10 stitutions, credit unions, or govern-  
11 ment sponsored housing enterprises;  
12 and

13 (II) the head of the agency cer-  
14 tifies would meet the standards for an  
15 exception or exclusion described in  
16 this Act; or

17 (v) any agency action that the head of  
18 the agency certifies is limited to inter-  
19 preting, implementing, or administering  
20 the internal revenue laws of the United  
21 States.

22 (5) RULE.—The term “rule”—

23 (A) means the whole or a part of an agen-  
24 cy statement of general or particular applica-

1 bility and future effect designed to implement,  
2 interpret, or prescribe law or policy; and

3 (B) does not include—

4 (i) the approval or prescription, on a  
5 case-by-case or consolidated case basis, for  
6 the future of rates, wages, corporation, or  
7 financial structures or reorganizations  
8 thereof, prices, facilities, appliances, serv-  
9 ices or allowances therefore, or of valu-  
10 ations, costs, or accounting, or practices  
11 bearing on any of the foregoing;

12 (ii) any action taken in connection  
13 with the safety of aviation;

14 (iii) any action taken in connection  
15 with the implementation of monetary pol-  
16 icy or to ensure the safety and soundness  
17 of federally insured depository institutions,  
18 any affiliate of such an institution, credit  
19 unions, or government sponsored housing  
20 enterprises or to protect the Federal de-  
21 posit insurance funds;

22 (iv) the granting an application for a  
23 license, registration, or similar authority,  
24 granting or recognizing an exemption,  
25 granting a variance or petition for relief

1 from a regulatory requirement, or other  
2 action relieving a restriction (including any  
3 agency which establishes, modifies, or con-  
4 ducts a regulatory program for a rec-  
5 reational or subsistence activity, including  
6 hunting, fishing, and camping, if a Federal  
7 law prohibits the recreational or subsist-  
8 ence activity in the absence of the agency  
9 action); or

10 (v) taking any action necessary to per-  
11 mit new or improved applications of tech-  
12 nology or allow the manufacture, distribu-  
13 tion, sale, or use of a substance or product.

14 (6) RULEMAKING.—The term “rulemaking”  
15 means agency process for formulating, amending, or  
16 repealing a rule.

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

21 (8) IMMINENT THREAT TO HEALTH OR SAFE-  
22 TY.—The term “imminent threat to health or safe-  
23 ty” means the existence of any condition, cir-  
24 cumstance, or practice reasonably expected to cause  
25 death, serious illness, or severe injury to humans, or

1       substantial endangerment to private property during  
2       the moratorium period.

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

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

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