

117TH CONGRESS  
1ST SESSION

# H. R. 4132

To consolidate or repeal unnecessary agency major rules, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2021

Mr. DONALDS (for himself, Mr. NORMAN, Ms. TENNEY, Mr. MANN, Mr. GOODEN of Texas, Mr. HERN, Mr. BABIN, Mr. OWENS, Mr. ROY, and Mr. GOOD of Virginia) introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committee on Rules, 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 consolidate or repeal unnecessary agency major 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 “Unnecessary Agency  
5 Regulations Reduction Act of 2021”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act—

1           (1) the term “Administrator” means the Ad-  
2           ministrator of the Office of Information and Regu-  
3           latory Affairs;

4           (2) the term “agency” has the meaning given  
5           the term in section 551 of title 5, United States  
6           Code;

7           (3) the term “burdensome”, with respect to a  
8           major rule or set of major rules of an agency, means  
9           that the major rule or set of major rules—

10                   (A) can be consolidated or repealed, in  
11                   whole or in part, to eliminate or reduce exces-  
12                   sive compliance costs or user fees; or

13                   (B) imposes unfunded mandates due to the  
14                   agency failing to adequately comply with section  
15                   205 of the Unfunded Mandates Reform Act of  
16                   1995 (2 U.S.C. 1535);

17           (4) the term “duplicative”, with respect to a  
18           major rule or set of major rules of an agency, means  
19           that the major rule or set of major rules overlaps,  
20           duplicates, or conflicts with other Federal regula-  
21           tions;

22           (5) the term “joint resolution” means only a  
23           joint resolution that contains legislative language to  
24           consolidate or repeal, in whole or in part, agency  
25           major rules;

1           (6) the term “major rule” has the meaning  
2 given the term in section 804 of title 5, United  
3 States Code;

4           (7) the term “outdated”, with respect to a  
5 major rule or set of major rules of an agency or a  
6 portion of a major rule of an agency means that the  
7 major rule, set of major rules, or the portion of the  
8 major rule has not been modified in the 10-year pe-  
9 riod preceding the date on which the Administrator  
10 submits the most recent list required under section  
11 3(a)(3)(A)(ii);

12           (8) the term “regulation” has the meaning  
13 given the term “rule” in section 551 of title 5,  
14 United States Code; and

15           (9) the term “set of major rules” means not  
16 less than 2 major rules that collectively implement  
17 a regulatory authority of an agency.

18 **SEC. 3. REVIEW AND IDENTIFICATION OF UNNECESSARY**

19 **REGULATIONS.**

20 (a) REVIEW.—

21           (1) IN GENERAL.—Not later than 2 years after  
22 the date of enactment of this Act and each year  
23 thereafter, the Administrator, in consultation with  
24 each agency, shall—

1 (A) compile a list that identifies all  
2 planned agency major rules or sets of major  
3 rules for the period covered by the submission;  
4 and

5 (B) identify agency major rules or sets of  
6 major rules described in subparagraph (A) that  
7 are duplicative, burdensome, or outdated.

8 (2) CONSIDERATION OF GAO DUPLICATION RE-  
9 PORT.—

10 (A) IN GENERAL.—The Comptroller Gen-  
11 eral of the United States shall—

12 (i) on an annual basis, provide to the  
13 Administrator a copy of the annual report  
14 prepared pursuant to section 21 of the  
15 Statutory Pay-As-You-Go Act of 2010 (31  
16 U.S.C. 712 note); and

17 (ii) in the report provided under  
18 clause (i), identify any major rules or sets  
19 of major rules associated with the pro-  
20 grams, agencies, offices, and initiatives  
21 identified in the report as having duplica-  
22 tive goals or activities, as defined by the  
23 Comptroller General.

1 (B) REVIEW.—Upon receipt of the report  
2 under subparagraph (A), the Administrator  
3 shall—

4 (i) review any major rules or sets of  
5 major rules associated with the programs,  
6 agencies, offices, and initiatives identified  
7 in the report as having duplicative goals or  
8 activities;

9 (ii) determine, in consultation with  
10 the relevant agencies, whether any of the  
11 major rules or sets of major rules identi-  
12 fied in clause (i) are potentially duplicative,  
13 burdensome, or outdated; and

14 (iii) determine whether any of the  
15 major rules or sets of major rules identi-  
16 fied in clause (ii) should be consolidated or  
17 repealed, in whole or in part.

18 (3) IDENTIFICATION OF MAJOR RULES OR SETS  
19 OF MAJOR RULES.—

20 (A) IN GENERAL.—The Administrator  
21 shall, on an annual basis—

22 (i) compile a list of major rules or sets  
23 of major rules that the Administrator de-  
24 termines are duplicative, burdensome, or  
25 outdated; and

1 (ii) submit to Congress and include in  
2 each Unified Agenda of Federal Regu-  
3 latory and Deregulatory Actions a list of  
4 major rules or sets of major rules that the  
5 Administrator has identified under para-  
6 graph (1)(B), which may include rec-  
7 ommendations as to whether any of those  
8 major rules or sets of major rules should  
9 be consolidated or repealed, in whole or in  
10 part.

11 (B) REQUIREMENT FOR LIST.—The list of  
12 major rules or sets of major rules identified as  
13 duplicative, burdensome, or outdated under sub-  
14 paragraph (A)(i) shall be derived from the  
15 major rules and sets of major rules identified  
16 under paragraphs (1)(B) and (2)(B)(ii).

17 (4) EXISTING REPORT.—The requirement de-  
18 scribed in paragraph (1)(A) may be satisfied by any  
19 existing annual report, such as the Unified Agenda  
20 of Federal Regulatory and Deregulatory Actions,  
21 that is compiled by the Administrator and includes  
22 the information described in paragraph (1)(A).

23 (b) CRITERIA FOR REVIEW.—In identifying major  
24 rules or sets of major rules that are duplicative, burden-

1 some, or outdated under subsection (a), the Administrator  
2 may consider—

3 (1) whether the original purpose of the major  
4 rule or set of major rules was achieved, and the  
5 major rule or set of major rules could be repealed,  
6 in whole or in part, without significant recurrence of  
7 adverse effects or conduct that the major rule or set  
8 of major rules was intended to prevent or reduce;

9 (2) whether the implementation, compliance,  
10 administration, enforcement, imposition of unfunded  
11 mandates, or other costs of the major rule or set of  
12 major rules to the economy are not justified by the  
13 benefits to society within the United States produced  
14 by the expenditure of those costs;

15 (3) whether the major rule or set of major rules  
16 has been rendered unnecessary or obsolete, taking  
17 into consideration the length of time since the major  
18 rule or set of major rules was made and the degree  
19 to which technology, economic conditions, market  
20 practices, or other relevant factors have changed in  
21 the subject area affected by the major rule or set of  
22 major rules;

23 (4) whether the major rule or set of major rules  
24 has become unjustified or unnecessary as a result of  
25 changed circumstances;

1           (5) whether the major rule or set of major rules  
2 is compatible with other regulations and not duplica-  
3 tive or inappropriately burdensome in the aggregate;

4           (6) whether the major rule or set of major rules  
5 is ineffective at achieving the purposes of the major  
6 rule or set of major rules;

7           (7) whether the major rule or set of major rules  
8 is duplicative of other Federal regulations;

9           (8) whether the major rule or set of major rules  
10 has excessive compliance costs, user fees, imposes  
11 unfunded mandates, or is otherwise excessively bur-  
12 densome, as compared to alternatives that—

13           (A) specify performance objectives rather  
14 than conduct or manners of compliance;

15           (B) establish economic incentives to en-  
16 courage desired behavior;

17           (C) provide information upon which  
18 choices can be made by the public;

19           (D) incorporate other innovative alter-  
20 natives rather than agency actions that specify  
21 conduct or manners of compliance; or

22           (E) could in other ways substantially lower  
23 costs without significantly undermining effec-  
24 tiveness;



1           (9) whether the major rule or set of major rules  
2           inhibits innovation in or growth of the United States  
3           economy, such as by impeding the introduction or  
4           use of safer or equally safe technology that is newer  
5           or more efficient than technology required by or per-  
6           missible under the major rule or set of major rules;

7           (10) whether or not the major rule or set of  
8           major rules harms competition within the United  
9           States economy or the international economic com-  
10          petitiveness of enterprises or entities based in the  
11          United States;

12          (11) whether or not the major rule or set of  
13          major rules limits or prevents an agency from apply-  
14          ing new or emerging technologies to improve effi-  
15          ciency and effectiveness of government;

16          (12) whether the major rule or set of major  
17          rules harms wage growth, including wage growth for  
18          minimum wage and part-time workers;

19          (13) whether the major rule or set of major  
20          rules is outdated;

21          (14) whether the major rule or set of major  
22          rules is in full compliance with the requirements of  
23          section 801(a)(1)(A) of title 5, United States Code;

1           (15) whether, and the extent to which, the re-  
2           peal, in whole or in part, of the major rule or set  
3           of major rules would impact public health;

4           (16) the review of the report submitted by the  
5           Comptroller General of the United States under sub-  
6           section (a)(2); and

7           (17) such other criteria as the Administrator  
8           determines to identify major rules or sets of major  
9           rules that can be repealed, in whole or in part, to  
10          eliminate or reduce unnecessarily burdensome costs  
11          to the United States economy.

12          (c) CONSIDERATION BY CONGRESS.—Not later than  
13          30 days after the date on which the Administrator submits  
14          a list of major rules or sets of major rules to Congress  
15          under subsection (a)(3)(A)(ii), each appropriate congres-  
16          sional committee shall—

17                (1) review each such major rule or set of major  
18                rules that is within the jurisdiction of the committee  
19                to determine if the major rule or set of major rules  
20                should be consolidated or repealed, in whole or in  
21                part; and

22                (2) issue a recommendation to consolidate or  
23                repeal, in whole or in part, the major rule or set of  
24                major rules in a joint resolution.

1 **SEC. 4. EXPEDITED PROCEDURES FOR CONSIDERATION OF**  
2 **JOINT RESOLUTION.**

3 (a) INTRODUCTION OF JOINT RESOLUTION.—

4 (1) IN GENERAL.—Any joint resolution—

5 (A) shall be introduced in the Senate (by  
6 request) by the Majority Leader or Minority  
7 Leader of the Senate or by a Member of the  
8 Senate designated by the Majority Leader or  
9 Minority Leader of the Senate not later than 60  
10 days after the date on which each appropriate  
11 congressional committee has issued the rec-  
12 ommendation required under section 3(e); and

13 (B) shall be introduced in the House of  
14 Representatives (by request) by the Speaker of  
15 the House of Representatives or the Minority  
16 Leader of the House of Representatives or by  
17 a Member of the House of Representatives des-  
18 igned by the Speaker of the House of Rep-  
19 resentatives or the Minority Leader of the  
20 House of Representatives not later than 60  
21 days after the date on which each appropriate  
22 congressional committee has issued the rec-  
23 ommendation required under section 3(e).

24 (2) REINTRODUCTION.—Any joint resolution  
25 shall be reintroduced as described in paragraph (1)

1 not later than 60 days after the first day of a Con-  
2 gress if—

3 (A) the joint resolution was introduced  
4 during the previous Congress after the date  
5 that was 210 days before the date of the sine  
6 die adjournment of such previous Congress; and

7 (B) there was not a vote in either House  
8 of Congress on passage of the joint resolution  
9 introduced under subparagraph (A) during the  
10 previous Congress by which the joint resolution  
11 was not agreed to.

12 (b) EXPEDITED CONSIDERATION IN SENATE.—

13 (1) PLACEMENT ON CALENDAR.—Upon intro-  
14 duction in the Senate, the joint resolution shall be  
15 placed immediately on the calendar.

16 (2) PROCEEDING TO CONSIDERATION.—

17 (A) IN GENERAL.—Notwithstanding rule  
18 XXII of the Standing Rules of the Senate, it is  
19 in order, not later than 210 days after the date  
20 on which the joint resolution is introduced or  
21 reintroduced in the Senate under subsection (a)  
22 (even though a previous motion to the same ef-  
23 fect has been disagreed to) to move to proceed  
24 to the consideration of a joint resolution.

1 (B) PROCEDURE.—For a motion to pro-  
2 ceed to the consideration of a joint resolution—

3 (i) all points of order against the mo-  
4 tion are waived;

5 (ii) the motion is not debatable;

6 (iii) the motion is not subject to a mo-  
7 tion to postpone;

8 (iv) a motion to reconsider the vote by  
9 which the motion is agreed to or disagreed  
10 to shall not be in order; and

11 (v) if the motion is agreed to, the  
12 joint resolution shall remain the unfinished  
13 business until disposed of.

14 (3) FLOOR CONSIDERATION.—

15 (A) IN GENERAL.—If the Senate proceeds  
16 to consideration of a joint resolution—

17 (i) all points of order against the joint  
18 resolution (and against consideration of  
19 the joint resolution) are waived;

20 (ii) consideration of the joint resolu-  
21 tion, and all debatable motions and appeals  
22 in connection therewith, shall be limited to  
23 not more than 10 hours, which shall be di-  
24 vided equally between the majority and mi-  
25 nority leaders or their designees;

1 (iii) a motion further to limit debate  
2 is in order and not debatable;

3 (iv) an amendment to, a motion to  
4 postpone, or a motion to commit the joint  
5 resolution is not in order; and

6 (v) a motion to proceed to the consid-  
7 eration of other business is not in order.

8 (B) VOTE ON PASSAGE.—The vote on pas-  
9 sage shall occur immediately following the con-  
10 clusion of the consideration of a joint resolu-  
11 tion, and a single quorum call at the conclusion  
12 of the debate if requested in accordance with  
13 the rules of the Senate.

14 (C) RULINGS OF THE CHAIR ON PROCE-  
15 DURE.—Appeals from the decisions of the Chair  
16 relating to the application of this paragraph or  
17 the rules of the Senate, as the case may be, to  
18 the procedure relating to a joint resolution shall  
19 be decided without debate.

20 (c) EXPEDITED CONSIDERATION IN HOUSE OF REP-  
21 RESENTATIVES.—

22 (1) REPORTING AND DISCHARGE.—Any com-  
23 mittee of the House of Representatives to which a  
24 joint resolution is referred shall report it to the  
25 House of Representatives not later than 180 days

1 after the date on which the joint resolution is intro-  
2 duced or reintroduced in the House of Representa-  
3 tives under subsection (a). If a committee fails to re-  
4 port the joint resolution within that period, the com-  
5 mittee shall be discharged from further consider-  
6 ation of the joint resolution and the joint resolution  
7 shall be referred to the appropriate calendar.

8 (2) PROCEEDING TO CONSIDERATION.—

9 (A) IN GENERAL.—After each committee  
10 authorized to consider a joint resolution reports  
11 it to the House of Representatives or has been  
12 discharged from its consideration, it shall be in  
13 order, not later than 210 days after the date on  
14 which the joint resolution is introduced or re-  
15 introduced in the House of Representatives  
16 under subsection (a), to move to proceed to con-  
17 sider the joint resolution in the House of Rep-  
18 resentatives.

19 (B) PROCEDURE.—For a motion to pro-  
20 ceed to consideration of a joint resolution—

21 (i) all points of order against the mo-  
22 tion are waived;

23 (ii) such a motion shall not be in  
24 order after the House of Representatives

1 has disposed of a motion to proceed on the  
2 joint resolution;

3 (iii) the previous question shall be  
4 considered as ordered on the motion to its  
5 adoption without intervening motion;

6 (iv) the motion shall not be debatable;

7 and

8 (v) a motion to reconsider the vote by  
9 which the motion is disposed of shall not  
10 be in order.

11 (3) CONSIDERATION.—If the House of Rep-  
12 resentatives proceeds to consideration of a joint res-  
13 olution—

14 (A) the joint resolution shall be considered  
15 as read;

16 (B) all points of order against the joint  
17 resolution and against its consideration are  
18 waived;

19 (C) the previous question shall be consid-  
20 ered as ordered on the joint resolution to its  
21 passage without intervening motion except 10  
22 hours of debate equally divided and controlled  
23 by the proponent and an opponent;

24 (D) an amendment to the joint resolution  
25 shall not be in order; and



1           (E) a motion to reconsider the vote on pas-  
2           sage of the joint resolution shall not be in  
3           order.

4           (d) RULES RELATING TO SENATE AND HOUSE OF  
5 REPRESENTATIVES.—

6           (1) COORDINATION WITH ACTION BY OTHER  
7           HOUSE.—If, before the passage by one House of a  
8           joint resolution of that House, that House receives  
9           from the other House a joint resolution—

10           (A) the joint resolution of the other House  
11           shall not be referred to a committee; and

12           (B) with respect to a joint resolution of the  
13           House receiving the resolution—

14           (i) the procedure in that House shall  
15           be the same as if no joint resolution had  
16           been received from the other House; and

17           (ii) the vote on passage shall be on  
18           the joint resolution of the other House.

19           (2) TREATMENT OF JOINT RESOLUTION OF  
20           OTHER HOUSE.—If one House fails to introduce or  
21           consider a joint resolution under this section, the  
22           joint resolution of the other House shall be entitled  
23           to expedited floor procedures under this section.

24           (3) TREATMENT OF COMPANION MEASURES.—  
25           If, following passage of a joint resolution in the Sen-

1       ate, the Senate receives the companion measure  
2       from the House of Representatives, the companion  
3       measure shall not be debatable.

4               (4) CONSIDERATION AFTER PASSAGE.—If the  
5       President vetoes the joint resolution, consideration  
6       of a veto message in the Senate under this para-  
7       graph shall be not more than 10 hours equally di-  
8       vided between the majority and minority leaders or  
9       their designees.

10       (e) RULES OF SENATE AND HOUSE OF REPRESENTA-  
11       TIVES.—This section is enacted by Congress—

12               (1) as an exercise of the rulemaking power of  
13       the Senate and House of Representatives, respec-  
14       tively, and as such is deemed a part of the rules of  
15       each House, respectively, but applicable only with re-  
16       spect to the procedure to be followed in that House  
17       in the case of a joint resolution, and to supersede  
18       other rules only to the extent that it is inconsistent  
19       with such rules; and

20               (2) with full recognition of the constitutional  
21       right of either House to change the rules (so far as  
22       relating to the procedure of that House) at any time,  
23       in the same manner, and to the same extent as in  
24       the case of any other rule of that House.

○