

118TH CONGRESS
2D SESSION

S. 4641

To provide for certain reforms pertaining to Chevron deference.

IN THE SENATE OF THE UNITED STATES

JULY 9, 2024

Mr. COTTON introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To provide for certain reforms pertaining to Chevron deference.

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 “Bureaucratic Over-
5 reach Review Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

8 (1) terms used have the meanings given such
9 terms in section 551 of title 5, United States Code;

1 (2) the term “matter” means a case before a
2 Federal court, a proceeding before an agency, or an
3 agency decision; and

4 (3) the term “Chevron deference” means def-
5 erence accorded by a court to the interpretation of
6 a Federal statute by a Federal agency pursuant to
7 the decision in *Chevron U.S.A., Inc. v. Natural Re-*
8 *sources Defense Council, Inc.*, 467 U.S. 837 (1984).

9 **SEC. 3. GAO REPORT ON CHEVRON CASES.**

10 Not later than 180 days after the date of enactment
11 of this Act, the Comptroller General of the United States
12 shall submit to Congress a report identifying matters
13 wherein Chevron deference was implicated. The report
14 shall compile a list of the statutes and rules implicated
15 in each such matter that are in effect as of the date of
16 the report. The analysis will consider and report on the
17 private party interests that were or would be impacted as
18 a result of the court according such deference.

19 **SEC. 4. AGENCY PREDICTABILITY AND ACCOUNTABILITY.**

20 Each Federal agency shall conduct a review of any
21 matter to which the agency was a party since the decision
22 was issued in *Chevron U.S.A., Inc. v. Natural Resources*
23 *Defense Council, Inc.*, 467 U.S. 837 (1984), wherein the
24 agency was accorded Chevron deference. The agency shall
25 identify the statute or rule implicated, the interpretation

1 of the agency, and what alternative interpretations were
2 asserted by another party. The agency shall reassess the
3 interpretation of the agency in a written, published memo-
4 randum supporting, reversing, or modifying such interpre-
5 tation.

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