

115TH CONGRESS
1ST SESSION

S. 1140

To repeal the Congressional Review Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 16, 2017

Mr. BOOKER (for himself and Mr. UDALL) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To repeal the Congressional Review 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 “Sunset the CRA and
5 Restore American Protections Act of 2017” or the
6 “SCRAP Act”.

7 **SEC. 2. REPEAL.**

8 (a) REPEAL.—Chapter 8 of title 5, United States
9 Code, is repealed.

1 (b) TABLE OF CHAPTERS.—The table of chapters for
2 part I of title 5, United States Code, is amended by strik-
3 ing the item relating to chapter 8.

4 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

5 (1) FAMILY SMOKING PREVENTION AND TO-
6 BACCO CONTROL ACT.—Section 102(a) of the Fam-
7 ily Smoking Prevention and Tobacco Control Act
8 (21 U.S.C. 387a–1(a)) is amended by striking para-
9 graph (7).

10 (2) AMERICAN JOBS CREATION ACT OF 2004.—
11 Section 642 of the American Jobs Creation Act of
12 2004 (7 U.S.C. 519a) is amended by striking sub-
13 section (c).

14 (3) FARM SECURITY AND RURAL INVESTMENT
15 ACT OF 2002.—Section 1601(c) of the Farm Security
16 and Rural Investment Act (7 U.S.C. 7991(c)) is
17 amended by striking paragraph (3).

18 (4) FOOD, CONSERVATION, AND ENERGY ACT
19 OF 2008.—Section 1601(c) of the Food, Conserva-
20 tion, and Energy Act of 2008 (7 U.S.C. 8781(c)) is
21 amended—

22 (A) by striking paragraph (3); and

23 (B) by redesignating paragraph (4) as
24 paragraph (3).

1 (5) AGRICULTURAL ACT OF 2014.—Section
2 1601(e) of the Agricultural Act of 2014 (7 U.S.C.
3 9091(e)) is amended by striking paragraph (3).

4 (6) FOOD SECURITY ACT OF 1985.—Section
5 1246 of the Food Security Act of 1985 (16 U.S.C.
6 3846) is amended by striking subsection (c).

7 (7) FEDERAL NONNUCLEAR ENERGY RESEARCH
8 AND DEVELOPMENT ACT OF 1974.—Section 12 of the
9 Federal Nonnuclear Energy Research and Develop-
10 ment Act of 1974 (42 U.S.C. 5911) is amended—

11 (A) by striking “(a) The President” and
12 inserting “The President”; and

13 (B) by striking subsection (b).

14 (8) ELEMENTARY AND SECONDARY EDUCATION
15 ACT OF 1965.—Section 1601(e) of the Elementary
16 and Secondary Education Act of 1965 (20 U.S.C.
17 6571(e)) is amended by striking “or chapter 8 of
18 title 5, United States Code (commonly known as the
19 ‘Congressional Review Act’)”.

20 (9) PUBLIC HEALTH SERVICE ACT.—Section
21 401(f)(4) of the Public Health Service Act (42
22 U.S.C. 281(f)(4)) is amended by striking the second
23 sentence.

1 (10) CREDIT UNION MEMBERSHIP ACCESS
2 ACT.—Section 205 of the Credit Union Membership
3 Access Act (12 U.S.C. 1759 note) is repealed.

4 (11) MEDICARE PRESCRIPTION DRUG, IM-
5 PROVEDMENT, AND MODERNIZATION ACT OF 2003.—
6 Section 303(i) of the Medicare Prescription Drug,
7 Improvement, and Modernization Act of 2003 (42
8 U.S.C. 1395u note) is amended—

9 (A) by striking paragraph (5); and

10 (B) by redesignating paragraph (6) as
11 paragraph (5).

12 (12) TAX AND TRADE RELIEF EXTENSION ACT
13 OF 1998.—Section 5101(i)(1) of the Tax and Trade
14 Relief Extension Act of 1998 (42 U.S.C. 1395x
15 note) is amended by striking “(without regard to
16 chapter 8 of title 5, United States Code)”.

17 **SEC. 3. REINSTATEMENT OF DISAPPROVED RULES.**

18 (a) DEFINITIONS.—In this section—

19 (1) the term “covered rule” means a rule for
20 which a joint resolution of disapproval was enacted
21 under chapter 8 of title 5, United States Code, be-
22 fore the date of enactment of this Act; and

23 (2) the term “Federal agency” has the meaning
24 given the term “agency” in section 551(1) of title 5,
25 United States Code.

1 (b) **FAST-TRACK REINSTATEMENT.**—A Federal
2 agency may reinstate a covered rule by publishing the cov-
3 ered rule in the Federal Register during the 1-year period
4 beginning on the date of enactment of this Act.

5 (c) **REINSTATEMENT AFTER ONE-YEAR PERIOD.**—
6 After the end of the 1-year period beginning on the date
7 of enactment of this Act, a Federal agency may reinstate
8 a covered rule using the rule making procedures described
9 in section 553 of title 5, United States Code.

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