A BILL

To amend chapter ___ of title 28, *United States Code*, to clarify statutory access to judicial review of agency action, 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. CLARIFYING STATUTORY ACCESS TO JUDI-**

4   **CIAL REVIEW OF AGENCY ACTION.**

5   (a) RULES OF CONSTRUCTION.—(1) Chapter ___ of title

6 28, *United States Code*, is amended by adding at the end

7 the following:

8   "§ ____. RULES OF CONSTRUCTION FOR STATUTES

9   PROVIDING FOR JUDICIAL REVIEW OF AGENCY ACTION.—

10   "(a) PURPOSE; APPLICABILITY.—The purpose of

11   this section is to promote clarity and consistency in

12   construing various provisions of law governing ju-

13   dicial review of agency action. Accordingly, the

14   rules of construction in this section (1) apply to any

15   proceeding for judicial review of agency action un-

16   der any provision of law, whether enacted before or

17   after the date of enactment of this section; and (2)

18   supersede any such provision of law to the extent

1   of any inconsistency, except to the extent that the

2   provision of law expressly exempts itself from the

3   application of this section.

4   "(b) COMPUTATION OF TIME.—When computing

5   the last eligible date for commencing the proceed-

6   ing, apply the rules on computation of time in Rule

7   6(a) of the Federal Rules of Civil Procedure, if the

8   proceeding is to be brought in district court; or

9   Rule 26(a) of the Federal Rules of Appellate Proce-

10   dure, if the proceeding is to be brought in the court

11   of appeals. For a provision of law in which the com-

12   putation of time is triggered by the promulgation,

13   amendment, or repeal of a rule, the computation of

14   time shall be triggered by the publication of the fi-

15   nal rule in the *Federal Register*.

16   "(c) STYLE OF DOCUMENT.—The proceeding,

17   when brought in district court, shall be commenced

18   by filing a complaint, as contemplated by Rule 3 of

19   the Federal Rules of Civil Procedure; and when

20   brought in a court of appeals, shall be commenced

21   by filing a petition for review, as contemplated by

22   Rule 15 of the Federal Rules of Appellate Proce-

23   dure. If a party seeking judicial review in a court

24   of appeals styles the document initiating review as

25   a notice of appeal, the court shall treat that docu-

26   ment as a petition for review. If a party seeking

1 judicial review in a district court styles the docu-

2 ment initiating review as a notice of appeal, peti-

3 tion for review, or other petition, the court shall

4 treat that document as a complaint.

5 "(d) CONTENT REQUIREMENTS.—The contents of

6 a complaint or petition for review shall be treated

7 as sufficient if they comply with either the content

8 requirements of the provision of law under which

9 the proceeding is brought or the content require-

10 ments of the applicable rules of court.

11 "(e) JURISDICTION.—If a provision of law pro-

12 vides that a party may seek judicial review of a

13 specific agency action in a specified federal court,

14 the specified federal court shall have jurisdiction

15 over the proceeding.

16 "(f) REQUIREMENT OF SIMULTANEOUS SER-

17 VICE.—If a provision of law requires the party fil-

18 ing the complaint or petition for review to serve the

19 agency simultaneously with the filing, the require-

20 ment is satisfied if the party does so within 7 days

21 after the filing.".

22 (2) The table of sections for chapter ___ of title 28

23 is amended by inserting after ___:

24 "____. RULES OF CONSTRUCTION FOR STATUTES

25 PROVIDING FOR JUDICIAL REVIEW OF AGENCY ACTION.".

1   (b) ELIMINATION OF REQUIREMENT THAT PETITION FOR

2 REVIEW OF AGENCY ACTION BE RECEIVED FROM SPECIFIC

3 PERSONS.—Section 2112(a)(1) of title 28, *United States*

4 *Code*, is amended by striking "receives, from the persons

5 instituting the proceedings, the petition for review" in both

6 places it appears and inserting "receives a petition for re-

7 view" in both places.