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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFYING STATUTORY ACCESS TO JUDICIAL REVIEW OF AGENCY ACTION.

(a) Rules of Construction.—(1) Chapter __ of title 28, United States Code, is amended by adding at the end the following:

“§ ___. Rules of construction for statutes providing for judicial review of agency action.—

“(a) Purpose; Applicability.—The purpose of this section is to promote clarity and consistency in construing various provisions of law governing judicial review of agency action. Accordingly, the rules of construction in this section (1) apply to any proceeding for judicial review of agency action under any provision of law, whether enacted before or after the date of enactment of this section; and (2) supersede any such provision of law to the extent
of any inconsistency, except to the extent that the
provision of law expressly exempts itself from the
application of this section.

“(b) COMPUTATION OF TIME.—When computing
the last eligible date for commencing the proceeding, apply the rules on computation of time in Rule
6(a) of the Federal Rules of Civil Procedure, if the
proceeding is to be brought in district court; or
Rule 26(a) of the Federal Rules of Appellate Proce-
dure, if the proceeding is to be brought in the court
of appeals. For a provision of law in which the com-
putation of time is triggered by the promulgation,
amendment, or repeal of a rule, the computation of
time shall be triggered by the publication of the fi-
nal rule in the Federal Register.

“(c) STYLE OF DOCUMENT.—The proceeding,
when brought in district court, shall be commenced
by filing a complaint, as contemplated by Rule 3 of
the Federal Rules of Civil Procedure; and when
brought in a court of appeals, shall be commenced
by filing a petition for review, as contemplated by
Rule 15 of the Federal Rules of Appellate Proce-
dure. If a party seeking judicial review in a court
of appeals styles the document initiating review as
a notice of appeal, the court shall treat that docu-
ment as a petition for review. If a party seeking
judicial review in a district court styles the document initiating review as a notice of appeal, petition for review, or other petition, the court shall treat that document as a complaint.

“(d) CONTENT REQUIREMENTS.—The contents of a complaint or petition for review shall be treated as sufficient if they comply with either the content requirements of the provision of law under which the proceeding is brought or the content requirements of the applicable rules of court.

“(e) JURISDICTION.—If a provision of law provides that a party may seek judicial review of a specific agency action in a specified federal court, the specified federal court shall have jurisdiction over the proceeding.

“(f) REQUIREMENT OF SIMULTANEOUS SERVICE.—If a provision of law requires the party filing the complaint or petition for review to serve the agency simultaneously with the filing, the requirement is satisfied if the party does so within 7 days after the filing.”.

(2) The table of sections for chapter ___ of title 28 is amended by inserting after ___:

“____. RULES OF CONSTRUCTION FOR STATUTES PROVIDING FOR JUDICIAL REVIEW OF AGENCY ACTION.”.
(b) Elimination of Requirement that Petition for Review of Agency Action Be Received from Specific Persons.—Section 2112(a)(1) of title 28, *United States Code*, is amended by striking “receives, from the persons instituting the proceedings, the petition for review” in both places it appears and inserting “receives a petition for review” in both places.