

Union Calendar No. 262

113TH CONGRESS
2^D SESSION

H. R. 2804

[Report No. 113-354, Part I]

To amend title 5, United States Code, to require the Administrator of the Office of Information and Regulatory Affairs to publish information about rules on the Internet, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2013

Mr. HOLDING (for himself, Mr. BACHUS, Mr. COBLE, Mr. FRANKS of Arizona, Mr. CHABOT, Mr. MARINO, Mr. COLLINS of Georgia, Mr. SMITH of Missouri, and Mr. LAMALFA) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, 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

FEBRUARY 21, 2014

Additional sponsors: Mr. MEADOWS and Mr. GOSAR

FEBRUARY 21, 2014

Reported from the Committee on Oversight and Government Reform with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on July 24, 2013]

FEBRUARY 21, 2014

The Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend title 5, United States Code, to require the Administrator of the Office of Information and Regulatory Affairs to publish information about rules on the Internet, 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 “All Economic Regula-*
 5 *tions are Transparent Act of 2014” or the “ALERT Act*
 6 *of 2014”.*

7 **SEC. 2. OFFICE OF INFORMATION AND REGULATORY AF-**
 8 **FAIRS PUBLICATION OF INFORMATION RE-**
 9 **LATING TO RULES.**

10 *(a) AMENDMENT.—Title 5, United States Code, is*
 11 *amended by inserting after chapter 6, the following new*
 12 *chapter:*

13 **“CHAPTER 6A—OFFICE OF INFORMATION**
 14 **AND REGULATORY AFFAIRS PUBLICA-**
 15 **TION OF INFORMATION RELATING TO**
 16 **RULES**

“Sec.

“651. Agency monthly submission to Office of Information and Regulatory Affairs.

“652. Office of Information and Regulatory Affairs Publications.

“653. Requirement for rules to appear in agency-specific monthly publication.

“654. Definitions.

17 **“§ 651. Agency monthly submission to Office of Infor-**
 18 **mation and Regulatory Affairs**

19 *“On a monthly basis, the head of each agency shall*
 20 *submit to the Administrator of the Office of Information*
 21 *and Regulatory Affairs (referred to in this chapter as the*
 22 *‘Administrator’), in such a manner as the Administrator*
 23 *may reasonably require, the following information:*

1 “(1) For each rule that the agency expects to
2 propose or finalize during the following year:

3 “(A) A summary of the nature of the rule,
4 including the regulation identifier number and
5 the docket number for the rule.

6 “(B) The objectives of and legal basis for the
7 issuance of the rule, including—

8 “(i) any statutory or judicial deadline;
9 and

10 “(ii) whether the legal basis restricts or
11 precludes the agency from conducting an
12 analysis of the costs or benefits of the rule
13 during the rule making, and if not, whether
14 the agency plans to conduct an analysis of
15 the costs or benefits of the rule during the
16 rule making.

17 “(C) Whether the agency plans to claim an
18 exemption from the requirements of section 553
19 pursuant to section 553(b)(B).

20 “(D) The stage of the rule making as of the
21 date of submission.

22 “(E) Whether the rule is subject to review
23 under section 610.

1 “(2) For any rule for which the agency expects
2 to finalize during the following year and has issued
3 a general notice of proposed rule making—

4 “(A) an approximate schedule for com-
5 pleting action on the rule;

6 “(B) an estimate of whether the rule will
7 cost—

8 “(i) less than \$50,000,000;

9 “(ii) \$50,000,000 or more but less than
10 \$100,000,000;

11 “(iii) \$100,000,000 or more but less
12 than \$500,000,000;

13 “(iv) \$500,000,000 or more but less
14 than \$1,000,000,000;

15 “(v) \$1,000,000,000 or more but less
16 than \$5,000,000,000;

17 “(vi) \$5,000,000,000 or more but less
18 than \$10,000,000,000; or

19 “(vii) \$10,000,000,000 or more; and

20 “(C) any estimate of the economic effects of
21 the rule, including any estimate of the net effect
22 that the rule will have on the number of jobs in
23 the United States, that was considered in draft-
24 ing the rule. If such estimate is not available, a
25 statement affirming that no information on the

1 *economic effects, including the effect on the num-*
2 *ber of jobs, of the rule has been considered.*

3 **“§ 652. Office of Information and Regulatory Affairs**
4 ***Publications***

5 “(a) *AGENCY-SPECIFIC INFORMATION PUBLISHED*
6 *MONTHLY.—Not later than 30 days after the submission of*
7 *information pursuant to section 651, the Administrator*
8 *shall make such information publicly available on the Inter-*
9 *net.*

10 “(b) *CUMULATIVE ASSESSMENT OF AGENCY RULE*
11 *MAKING PUBLISHED ANNUALLY.—*

12 “(1) *PUBLICATION IN THE FEDERAL REG-*
13 *ISTER.—Not later than October 1 of each year, the*
14 *Administrator shall publish in the Federal Register,*
15 *for the previous year the following:*

16 “(A) *The information that the Adminis-*
17 *trator received from the head of each agency*
18 *under section 651.*

19 “(B) *The number of rules and a list of each*
20 *such rule—*

21 “(i) *that was proposed by each agency,*
22 *including, for each such rule, an indication*
23 *of whether the issuing agency conducted an*
24 *analysis of the costs or benefits of the rule;*
25 *and*

1 “(ii) that was finalized by each agen-
2 cy, including for each such rule an indica-
3 tion of whether—

4 “(I) the issuing agency conducted
5 an analysis of the costs or benefits of
6 the rule;

7 “(II) the agency claimed an ex-
8 emption from the procedures under sec-
9 tion 553 pursuant to section 553(b)(B);
10 and

11 “(III) the rule was issued pursu-
12 ant to a statutory mandate or the rule
13 making is committed to agency discre-
14 tion by law.

15 “(C) The number of agency actions and a
16 list of each such action taken by each agency
17 that—

18 “(i) repealed a rule;

19 “(ii) reduced the scope of a rule;

20 “(iii) reduced the cost of a rule; or

21 “(iv) accelerated the expiration date of
22 a rule.

23 “(D) The total cost (without reducing the
24 cost by any offsetting benefits) of all rules pro-
25 posed or finalized, and the number of rules for

1 *which an estimate of the cost of the rule was not*
2 *available.*

3 “(2) *PUBLICATION ON THE INTERNET.*—*Not later*
4 *than October 1 of each year, the Administrator shall*
5 *make publicly available on the Internet the following:*

6 “(A) *The analysis of the costs or benefits, if*
7 *conducted, for each proposed rule or final rule*
8 *issued by an agency for the previous year.*

9 “(B) *The docket number and regulation*
10 *identifier number for each proposed or final rule*
11 *issued by an agency for the previous year.*

12 “(C) *The number of rules and a list of each*
13 *such rule reviewed by the Director of the Office*
14 *of Management and Budget for the previous*
15 *year, and the authority under which each such*
16 *review was conducted.*

17 “(D) *The number of rules and a list of each*
18 *such rule for which the head of an agency com-*
19 *pleted a review under section 610 for the pre-*
20 *vious year.*

21 “(E) *The number of rules and a list of each*
22 *such rule submitted to the Comptroller General*
23 *under section 801.*

24 “(F) *The number of rules and a list of each*
25 *such rule for which a resolution of disapproval*

1 *was introduced in either the House of Represent-*
2 *atives or the Senate under section 802.*

3 **“§ 653. Requirement for rules to appear in agency-spe-**
4 ***cific monthly publication***

5 “(a) *IN GENERAL.*—Subject to subsection (b), a rule
6 *may not take effect until the information required to be*
7 *made publicly available on the Internet regarding such rule*
8 *pursuant to section 652(a) has been so available for not less*
9 *than 6 months.*

10 “(b) *EXCEPTIONS.*—The requirement of subsection (a)
11 *shall not apply in the case of a rule—*

12 “(1) *for which the agency issuing the rule claims*
13 *an exception under section 553(b)(B); or*

14 “(2) *which the President determines by Execu-*
15 *tive Order should take effect because the rule is—*

16 “(A) *necessary because of an imminent*
17 *threat to health or safety or other emergency;*

18 “(B) *necessary for the enforcement of crimi-*
19 *nal laws;*

20 “(C) *necessary for national security; or*

21 “(D) *issued pursuant to any statute imple-*
22 *menting an international trade agreement.*

1 **“§ 654. Definitions**

2 *“In this chapter, the terms ‘agency’, ‘agency action’,*
 3 *‘rule’, and ‘rule making’ have the meanings given those*
 4 *terms in section 551.”.*

5 **(b) TECHNICAL AND CONFORMING AMENDMENT.**—*The*
 6 *table of chapters for part I of title 5, United States Code,*
 7 *is amended by inserting after the item relating to chapter*
 8 *5, the following:*

 “6. *The Analysis of Regulatory Functions* 601
 “6A. *Office of Information and Regulatory Affairs Publication of Infor-*
 mation Relating to Rules 651”.

9 **(c) EFFECTIVE DATES.**—

10 **(1) AGENCY MONTHLY SUBMISSION TO THE OF-**
 11 **FICE OF INFORMATION AND REGULATORY AFFAIRS.**—
 12 *The first submission required pursuant to section 651*
 13 *of title 5, United States Code, as added by subsection*
 14 *(a), shall be submitted not later than 30 days after*
 15 *the date of the enactment of this Act, and monthly*
 16 *thereafter.*

17 **(2) CUMULATIVE ASSESSMENT OF AGENCY RULE**
 18 **MAKING.**—

19 **(A) IN GENERAL.**—*Subsection (b) of section*
 20 *652 of title 5, United States Code, as added by*
 21 *subsection (a), shall take effect on the date that*
 22 *is 60 days after the date of the enactment of this*
 23 *Act.*

1 (B) *DEADLINE.*—*The first requirement to*
2 *publish or make available, as the case may be,*
3 *under subsection (b) of section 652 of title 5,*
4 *United States Code, as added by subsection (a),*
5 *shall be the first October 1 after the effective date*
6 *of such subsection.*

7 (C) *FIRST PUBLICATION.*—*The requirement*
8 *under section 652(b)(2)(A) of title 5, United*
9 *States Code, as added by subsection (a), shall in-*
10 *clude for the first publication, any analysis of*
11 *the costs or benefits conducted for a proposed or*
12 *final rule, for the 10 years before the date of the*
13 *enactment of this Act.*

14 (3) *REQUIREMENT FOR RULES TO APPEAR IN*
15 *AGENCY-SPECIFIC MONTHLY PUBLICATION.*—*Section*
16 *653 of title 5, United States Code, as added by sub-*
17 *section (a), shall take effect on the date that is 8*
18 *months after the date of the enactment of this Act.*

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