

# Union Calendar No. 180

114<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1759

[Report No. 114–238, Parts I and II]

To amend title 5, united States Code, to provide for the publication, by the Office of Information and Regulatory Affairs, of information relating to rulemakings, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2015

Mr. RATCLIFFE (for himself, Mr. HOLDING, Mr. COLLINS of Georgia, Mr. FORBES, Mr. MARINO, Mr. FRANKS of Arizona, Mr. CHABOT, and Mr. ZINKE) 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

JULY 29, 2015

Additional sponsors: Mr. BUCK, Mr. BARR, and Mr. OLSON

JULY 29, 2015

Reported from the Committee on Oversight and Government Reform

JULY 29, 2015

Reported from the Committee on the Judiciary; 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 provide for the publication, by the Office of Information and Regulatory Affairs, of information relating to rulemakings, 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 2015” or the “ALERT Act  
 6 of 2015”.

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.

“Sec. 652. Office of information and regulatory affairs publications.

“Sec. 653. Requirement for rules to appear in agency-specific monthly publica-  
 tion.

“Sec. 654. Definitions.

17 **“SEC. 651. AGENCY MONTHLY SUBMISSION TO OFFICE OF**  
 18 **INFORMATION 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

1 ‘Administrator’), in such a manner as the Administrator  
2 may reasonably require, the following information:

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

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

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

10 “(i) any statutory or judicial deadline;  
11 and

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

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

22 “(D) The stage of the rule making as of  
23 the date of submission.

24 “(E) Whether the rule is subject to review  
25 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  
10 than \$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  
21 of the rule, including any estimate of the net ef-  
22 fect that the rule will have on the number of  
23 jobs in the United States, that was considered  
24 in drafting the rule. If such estimate is not  
25 available, a statement affirming that no infor-

1           mation on the economic effects, including the  
2           effect on the number of jobs, of the rule has  
3           been considered.

4   **“SEC. 652. OFFICE OF INFORMATION AND REGULATORY AF-**  
5                   **FAIRS PUBLICATIONS.**

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

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

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

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

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

22                               “(i) that was proposed by each agen-  
23                               cy, including, for each such rule, an indica-  
24                               tion of whether the issuing agency con-

1           ducted an analysis of the costs or benefits  
2           of the rule; and

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

6           “*(I)* the issuing agency conducted  
7           an analysis of the costs or benefits of  
8           the rule;

9           “*(II)* the agency claimed an ex-  
10          emption from the procedures under  
11          section 553 pursuant to section  
12          553(b)(B); and

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

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

20                 “*(i)* repealed a rule;

21                 “*(ii)* reduced the scope of a rule;

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

23                 “*(iv)* accelerated the expiration date  
24                 of a rule.

1           “(D) The total cost (without reducing the  
2 cost by any offsetting benefits) of all rules pro-  
3 posed or finalized, and the number of rules for  
4 which an estimate of the cost of the rule was  
5 not available.

6           “(2) PUBLICATION ON THE INTERNET.—Not  
7 later than October 1 of each year, the Administrator  
8 shall make publicly available on the Internet the fol-  
9 lowing:

10           “(A) The analysis of the costs or benefits,  
11 if conducted, for each proposed rule or final  
12 rule issued by an agency for the previous year.

13           “(B) The docket number and regulation  
14 identifier number for each proposed or final  
15 rule issued by an agency for the previous year.

16           “(C) The number of rules and a list of  
17 each such rule reviewed by the Director of the  
18 Office of Management and Budget for the pre-  
19 vious year, and the authority under which each  
20 such review was conducted.

21           “(D) The number of rules and a list of  
22 each such rule for which the head of an agency  
23 completed a review under section 610 for the  
24 previous year.



1           “(E) The number of rules and a list of  
2           each such rule submitted to the Comptroller  
3           General under section 801.

4           “(F) The number of rules and a list of  
5           each such rule for which a resolution of dis-  
6           approval was introduced in either the House of  
7           Representatives or the Senate under section  
8           802.

9   **“SEC. 653. REQUIREMENT FOR RULES TO APPEAR IN AGEN-**  
10                           **CY-SPECIFIC MONTHLY PUBLICATION.**

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

16           “(b) EXCEPTIONS.—The requirement of subsection  
17           (a) shall not apply in the case of a rule—

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

20                   “(2) which the President determines by Execu-  
21                   tive order should take effect because the rule is—

22                           “(A) necessary because of an imminent  
23                           threat to health or safety or other emergency;

24                           “(B) necessary for the enforcement of  
25                           criminal laws;

1 “(C) necessary for national security; or

2 “(D) issued pursuant to any statute imple-  
3 menting an international trade agreement.

4 **“SEC. 654. DEFINITIONS.**

5 “In this chapter, the terms ‘agency’, ‘agency action’,  
6 ‘rule’, and ‘rule making’ have the meanings given those  
7 terms in section 551.”.

8 (b) **TECHNICAL AND CONFORMING AMENDMENT.—**

9 The table of chapters for part I of title 5, United States  
10 Code, is amended by inserting after the item relating to  
11 chapter 5, the following:

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

12 (c) **EFFECTIVE DATES.—**

13 (1) **AGENCY MONTHLY SUBMISSION TO THE OF-**  
14 **FICE OF INFORMATION AND REGULATORY AF-**  
15 **FAIRS.—**The first submission required pursuant to  
16 section 651 of title 5, United States Code, as added  
17 by subsection (a), shall be submitted not later than  
18 30 days after the date of the enactment of this Act,  
19 and monthly thereafter.

20 (2) **CUMULATIVE ASSESSMENT OF AGENCY**  
21 **RULE MAKING.—**

22 (A) **IN GENERAL.—**Subsection (b) of sec-  
23 tion 652 of title 5, United States Code, as  
24 added by subsection (a), shall take effect on the

1 date that is 60 days after the date of the enact-  
2 ment of this Act.

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

9 (C) FIRST PUBLICATION.—The require-  
10 ment under section 652(b)(2)(A) of title 5,  
11 United States Code, as added by subsection (a),  
12 shall include for the first publication, any anal-  
13 ysis of the costs or benefits conducted for a  
14 proposed or final rule, for the 10 years before  
15 the date of the enactment of this Act.

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

Union Calendar No. 180

114<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

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