

115TH CONGRESS
1ST SESSION

H. R. 1009

IN THE SENATE OF THE UNITED STATES

MARCH 2, 2017

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

To amend title 44, United States Code, to require the Administrator of the Office of Information and Regulatory Affairs to review regulations, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “OIRA Insight, Reform,
3 and Accountability Act”.

4 **SEC. 2. OFFICE OF INFORMATION AND REGULATORY AF-**
5 **FAIRS.**

6 (a) AMENDMENT.—Subchapter I of chapter 35 of
7 title 44, United States Code, is amended by adding at the
8 end the following new sections:

9 **“§ 3522. Office of Information and Regulatory Affairs**
10 **Regulatory Working Group; regulatory**
11 **plan; Unified Agenda**

12 “(a) REGULATORY WORKING GROUP.—

13 “(1) ESTABLISHMENT; MEMBERS.—The Admin-
14 istrator of the Office of Information and Regulatory
15 Affairs shall convene a working group to be known
16 as the Regulatory Working Group, whose members
17 shall consist of the following:

18 “(A) The Administrator.

19 “(B) Representatives selected by the head
20 of each agency that the Administrator deter-
21 mines to have significant domestic regulatory
22 responsibility.

23 “(C) Other executive branch officials as
24 designated by the Administrator.

25 “(2) CHAIR.—The Chair of the Regulatory
26 Working Group shall be the Administrator, who

1 shall periodically advise Congress on the activities of
2 the Regulatory Working Group.

3 “(3) PURPOSE.—The Regulatory Working
4 Group shall serve as a forum to assist agencies in
5 identifying and analyzing important regulatory
6 issues, including, at a minimum—

7 “(A) the development of innovative regu-
8 latory techniques;

9 “(B) the methods, efficacy, and utility of
10 comparative risk assessment in regulatory deci-
11 sionmaking;

12 “(C) the development of streamlined regu-
13 latory approaches for small businesses and
14 other entities; and

15 “(D) the methods used to ensure agencies
16 coordinate with State, local, and Tribal govern-
17 ments.

18 “(4) MEETINGS.—The Regulatory Working
19 Group shall meet not less than quarterly and may
20 meet as a whole or in subgroups of members with
21 an interest in particular issues or subject areas.

22 “(5) ANALYTICAL STUDIES.—To inform the
23 discussion of the Regulatory Working Group, the
24 Regulatory Working Group may request analytical
25 studies and reports by the Office of Information and

1 Regulatory Affairs, the Administrative Conference of
2 the United States, or any other agency.

3 “(b) REGULATORY PLAN.—

4 “(1) IN GENERAL.—

5 “(A) DEADLINE FOR AND DESCRIPTION OF
6 REGULATORY PLAN.—Not later than June 1 of
7 each year, the head of each agency shall ap-
8 prove and submit to the Administrator a regu-
9 latory plan that includes each significant regu-
10 latory action that the agency reasonably expects
11 to issue in proposed or final form in the fol-
12 lowing fiscal year or thereafter and the retro-
13 spective review described in paragraph (2). The
14 regulatory plan shall also contain, at a min-
15 imum, the following:

16 “(i) A statement of the regulatory ob-
17 jectives and priorities of the agency.

18 “(ii) A summary of each planned sig-
19 nificant regulatory action including, to the
20 extent possible, alternatives to be consid-
21 ered and preliminary estimates of the an-
22 ticipated costs and benefits of such action.

23 “(iii) A summary of the legal basis for
24 each such action, including whether any

1 aspect of the action is required by statute
2 or court order.

3 “(iv) A statement of the need for each
4 such action and, if applicable, how the ac-
5 tion will reduce risk to public health, safe-
6 ty, or the environment, as well as how the
7 magnitude of the risk addressed by the ac-
8 tion relates to any other risk within the ju-
9 risdiction of the agency.

10 “(v) A summary of the agency’s plan
11 to coordinate with State, local, and Tribal
12 governments throughout the regulatory
13 process.

14 “(vi) A description of any action
15 taken by the agency to ensure that each
16 planned significant regulatory action is not
17 duplicative or conflicting with any other
18 existing or planned regulatory action.

19 “(vii) The schedule for each such ac-
20 tion, including a statement of any applica-
21 ble statutory or judicial deadline.

22 “(viii) The name, email address, and
23 telephone number of a knowledgeable agen-
24 cy employee the public may contact for ad-

1 ditional information about each such ac-
2 tion.

3 “(B) CIRCULATION OF REGULATORY
4 PLAN.—Not later than 10 days after receiving
5 the regulatory plan under subparagraph (A),
6 the Administrator shall circulate the regulatory
7 plan to any other agency the Administrator de-
8 termines may be affected by the plan.

9 “(C) AGENCY NOTIFICATION TO OIRA OF
10 CONFLICTING SIGNIFICANT REGULATORY AC-
11 TIONS.—The head of an agency shall promptly
12 notify the Administrator in writing if any
13 planned significant regulatory action in the reg-
14 ulatory plan of another agency may conflict
15 with the policy or action taken or planned by
16 that agency. The Administrator shall forward
17 any notification received under this subpara-
18 graph to the other agency involved.

19 “(D) NOTIFICATION OF CONFLICTING SIG-
20 NIFICANT REGULATORY ACTIONS.—The Admin-
21 istrator shall notify the head of an agency in
22 writing if any planned significant regulatory ac-
23 tion conflicts with any policy or action taken or
24 planned by another agency.

1 “(E) REQUIREMENT TO PUBLISH IN UNI-
2 FIED AGENDA.—Each regulatory plan sub-
3 mitted by the head of an agency under subpara-
4 graph (A) shall be included in the October pub-
5 lication of the Unified Agenda described under
6 subsection (c).

7 “(2) RETROSPECTIVE REVIEW.—

8 “(A) LIST OF OUTDATED REGULATIONS.—
9 The head of each agency shall include in the
10 regulatory plan submitted under paragraph
11 (1)(A) a list of regulations that have been iden-
12 tified by the agency (including any comments
13 submitted to the agency) as unjustified, unnec-
14 essary, duplicative of other regulations or laws,
15 inappropriately burdensome, or otherwise rec-
16 ommended for removal.

17 “(B) DESCRIPTION OF RETROSPECTIVE
18 REVIEW.—The head of each agency shall in-
19 clude in the regulatory plan submitted under
20 paragraph (1)(A) a description of any program
21 or other effort to review existing regulations to
22 determine whether any such regulations should
23 be modified or eliminated in order to increase
24 the effectiveness in achieving the regulatory ob-
25 jectives of the agency or to reduce the burden

1 of regulations. The agency shall include any
2 statutory requirements that require the agency
3 to promulgate or continue to impose regulations
4 that the agency believes are unnecessary or out-
5 dated by reason of changed circumstances.

6 “(C) OIRA COORDINATED REVIEW.—The
7 head of each agency shall submit the program
8 descriptions required in subparagraph (B) to
9 the Administrator. The Administrator shall
10 work with other interested entities and agen-
11 cies, including through the processes established
12 under subsection (d), to review the list of regu-
13 lations identified under subparagraph (A) and
14 such entities may assist OIRA and the agencies
15 with identifying regulations or groups of regula-
16 tions that—

17 “(i) impose significant or unique bur-
18 dens on governmental entities and that are
19 no longer justified; or

20 “(ii) affect a particular group, indus-
21 try, or sector of the economy.

22 “(c) UNIFIED AGENDA.—

23 “(1) SUBMISSION OF REGULATIONS UNDER DE-
24 VELOPMENT OR REVIEW.—Not later than March 15
25 and September 15 of each year, the head of each

1 agency shall submit to the Administrator an agenda
2 of each regulation under development or review in
3 accordance with any guidance issued under this sec-
4 tion. Each agenda shall include, to the extent prac-
5 ticable, the following:

6 “(A) For each regulation—

7 “(i) a regulation identifier number;

8 “(ii) a brief summary of the regula-
9 tion;

10 “(iii) a citation to the legal authority
11 to issue the regulation;

12 “(iv) any legal deadline for the
13 issuance of the regulation;

14 “(v) the name and phone number for
15 a knowledgeable agency employee; and

16 “(vi) the stage of review for issuing
17 the regulation.

18 “(B) For each regulation expected to be
19 promulgated within the following 18 months—

20 “(i) a determination of whether the
21 regulation is expected to be a significant
22 regulatory action or an economically sig-
23 nificant regulatory action;

24 “(ii) any available clear summary of
25 the expected costs or benefits; and

1 “(iii) efforts to coordinate with State,
2 local, and Tribal governments.

3 “(C) For any regulation included in the
4 immediately previous agenda, an explanation of
5 why the regulation is no longer included.

6 “(2) PUBLICATION OF UNIFIED AGENDA RE-
7 QUIRED.—Not later than April 15 and October 15
8 of each year, the Administrator shall compile and
9 publish online each agenda received under paragraph
10 (1) (to be known as the Unified Agenda).

11 “(3) GUIDANCE.—

12 “(A) IN GENERAL.—The Administrator
13 shall issue guidance for agencies on the manner
14 of submission under this subsection and on
15 meeting the requirements of this subsection, in-
16 cluding a standard definition for each stage of
17 review and any other definition that would as-
18 sist the public in understanding the different
19 terms used by agencies to submit the agenda
20 required under paragraph (1).

21 “(B) UPDATES.—The Administrator shall
22 periodically review compliance with this section
23 and issue guidance or recommendations to as-
24 sist agencies in complying with this section.

1 “(d) COORDINATION WITH STATE, LOCAL, AND
2 TRIBAL GOVERNMENTS AND THE PUBLIC.—

3 “(1) STATE, LOCAL, AND TRIBAL GOVERN-
4 MENTS.—The Administrator shall meet not less than
5 quarterly with representatives of State, local, and
6 tribal governments to identify both existing and pro-
7 posed regulations and policies that may uniquely or
8 significantly affect those government entities.

9 “(2) PUBLIC.—The Administrator shall periodi-
10 cally convene conferences with representatives of
11 businesses, nongovernmental organizations, and the
12 public to discuss regulatory issues of common con-
13 cern.

14 “(e) BEST PRACTICES.—The Administrator shall, in
15 consultation with the Regulatory Working Group and the
16 entities described in subsection (d), periodically develop
17 advice and guidance for agencies on best practices of the
18 development of regulations.

19 **“§ 3523. OIRA coordinated review of significant regu-
20 latory actions**

21 “(a) OIRA REVIEW.—

22 “(1) IN GENERAL.—The Administrator shall
23 conduct a Governmentwide coordinated review of
24 significant regulatory actions to ensure that such
25 regulations are consistent with applicable law and

1 that a regulatory action by one agency does not con-
2 flict with a policy or action taken or planned by an-
3 other agency.

4 “(2) PERIODIC AGENCY SUBMISSION OF
5 PLANNED REGULATORY ACTIONS.—The head of each
6 agency shall provide to the Administrator, at such
7 time and in such a manner as determined by the Ad-
8 ministrator, a list of each planned regulatory action
9 with an identification of whether each such regu-
10 latory action is a significant regulatory action.

11 “(3) REVIEW OF SIGNIFICANT REGULATORY AC-
12 TION REQUIRED.—

13 “(A) IN GENERAL.—The Administrator
14 shall make a determination of whether any
15 planned regulatory action submitted under this
16 section is a significant regulatory action and
17 shall review each such significant regulatory ac-
18 tion in accordance with this section.

19 “(B) NOT SUBJECT TO REVIEW.—Any
20 planned regulatory action determined by the
21 Administrator not to be a significant regulatory
22 action is not subject to review under this sec-
23 tion.

24 “(C) NOTIFICATION REQUIRED.—Not later
25 than 10 days after a planned regulatory action

1 has been determined to be a significant regu-
2 latory action, the Administrator shall notify the
3 head of the relevant agency of such determina-
4 tion.

5 “(4) WAIVER OF REVIEW FOR SIGNIFICANT
6 REGULATORY ACTION.—The Administrator—

7 “(A) may waive review of any planned reg-
8 ulatory action designated as a significant regu-
9 latory action; and

10 “(B) shall publish online a detailed written
11 explanation of any such waiver.

12 “(b) AGENCY CONSULTATION WITH OIRA.—

13 “(1) IN GENERAL.—An agency may consult
14 with OIRA at any time on any regulatory action.
15 OIRA shall maintain a log of each agency consulta-
16 tion with OIRA before submitting the significant
17 regulatory action for review under this section, in-
18 cluding the date of the consultation, the name of
19 each agency official involved with the consultation,
20 and a description of the purpose of the consultation.

21 “(2) REGULATION IDENTIFIER NUMBER.—The
22 head of an agency shall make every effort to obtain
23 a regulation identifier number for the regulatory ac-
24 tion that is the subject of the consultation before
25 consulting with OIRA.

1 “(3) CONSULTATION INFORMATION RE-
2 QUIRED.—If the head of an agency is unable to ob-
3 tain the regulation identifier number as described in
4 paragraph (2), the head of the agency shall provide
5 the regulation identifier number to OIRA as soon as
6 the number is obtained with a list of any previous
7 interactions with OIRA relating to the regulatory ac-
8 tion that is the subject of the consultation.

9 “(c) AGENCY SUBMISSION OF SIGNIFICANT REGU-
10 LATORY ACTION FOR REVIEW.—Before issuing a signifi-
11 cant regulatory action, the head of an agency shall submit
12 the significant regulatory action to the Administrator for
13 review and shall include the following:

14 “(1) The text of the significant regulatory ac-
15 tion.

16 “(2) A detailed description of the need for the
17 significant regulatory action.

18 “(3) An explanation of how the significant reg-
19 ulatory action will meet the identified need.

20 “(4) An assessment of potential costs and bene-
21 fits of the significant regulatory action.

22 “(5) An explanation of the manner in which the
23 significant regulatory action is consistent with a
24 statutory mandate and avoids undue interference
25 with State, local, and tribal government functions.

1 “(6) An explanation of agency efforts to coordi-
2 nate with State, local, and Tribal governments
3 throughout the regulatory process.

4 “(7) For an economically significant regulatory
5 action, if any of the following was developed during
6 the decisionmaking process of the agency:

7 “(A) An assessment of and quantification
8 of costs and benefits of the significant regu-
9 latory action.

10 “(B) An assessment of and quantification
11 of costs and benefits of potentially effective and
12 feasible alternatives, including any underlying
13 analysis.

14 “(C) An explanation of why the planned
15 significant regulatory action is preferable to any
16 identified potential alternatives.

17 “(d) DEADLINES FOR REVIEW.—

18 “(1) REVIEW COORDINATION.—To the extent
19 practicable, the head of each agency shall work with
20 the Administrator to establish a mutually agreeable
21 date on which to submit a significant regulatory ac-
22 tion for review.

23 “(2) EXPEDITED REVIEW.—When an agency is
24 obligated by law to issue a significant regulatory ac-
25 tion before complying with the provisions of this sec-

1 tion, the head of the agency shall notify the Admin-
2 istrator as soon as possible. To the extent prac-
3 ticable, OIRA and the agency shall comply with the
4 provisions of this section.

5 “(3) 10-DAY REVIEW.—In the case of a signifi-
6 cant regulatory action that is a notice of inquiry, ad-
7 vance notice of proposed rulemaking, or other pre-
8 liminary regulatory action prior to a notice of pro-
9 posed rulemaking, within 10 business days after the
10 date of submission of the such action to the Admin-
11 istrator, OIRA shall complete the review.

12 “(4) 90-DAY REVIEW.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (B), for any other significant reg-
15 ulatory action not described in paragraph (3),
16 within 90 days after the date of submission of
17 the action, OIRA shall complete the review.

18 “(B) EXCEPTION 45-DAY REVIEW.—If
19 OIRA has previously reviewed the significant
20 regulatory action described in subparagraph (A)
21 and, since that review, there has been no mate-
22 rial change in the facts and circumstances upon
23 which the significant regulatory action is based,
24 OIRA shall complete the review within 45 days
25 after submission of the action.

1 “(5) EXTENSION.—Any review described under
2 this subsection may be extended for any number of
3 additional 30-day periods upon mutual agreement of
4 the Administrator and the head of the agency. For
5 each 30 day extension, the Administrator shall make
6 publicly available online a written explanation, in-
7 cluding the reasons for the extension and an esti-
8 mate of the expected conclusion date.

9 “(6) RETURN.—If the Administrator deter-
10 mines OIRA is unable to conclude a review within
11 the time period described under this subsection, the
12 Administrator may return the draft of the signifi-
13 cant regulatory action to the agency with a written
14 explanation of why OIRA was unable to complete
15 the review and what additional information, re-
16 sources, or time OIRA would need to complete the
17 review.

18 “(7) WITHDRAWAL.—An agency may withdraw
19 the regulatory action from OIRA review at any time
20 prior to the completion of the review.

21 “(e) COMPLIANCE REVIEW.—The Administrator
22 shall review any significant regulatory action submitted
23 under subsection (c) to determine the extent to which the
24 agency—

1 “(1) identified the problem that the significant
2 regulatory action is designed to address (including,
3 where applicable, the failures of private markets or
4 public institutions that warrant new agency action);

5 “(2) assessed the significance of the problem
6 the regulatory action is designed to address;

7 “(3) examined whether existing regulations or
8 laws have created or contributed to the problem that
9 the regulatory action is designed to correct and
10 whether those regulations or laws should be modified
11 to achieve the intended goal more effectively;

12 “(4) identified and assessed available alter-
13 natives to direct regulation, including providing eco-
14 nomic incentives to encourage desired behaviors,
15 such as user fees or marketable permits, or pro-
16 viding information upon which choices can be made
17 by the public;

18 “(5) considered, to the extent reasonable, the
19 degree and nature of the risks posed by various sub-
20 stances or activities within the jurisdiction of the
21 agency;

22 “(6) designed the regulatory action to be the
23 most cost-effective manner to achieve the regulatory
24 objective;

1 “(7) considered incentives for innovation, con-
2 sistency, predictability, flexibility, distributive im-
3 pacts, equity, and the costs of enforcement and com-
4 pliance by the Government, regulated entities, and
5 the public;

6 “(8) assessed costs and benefits of the regu-
7 latory action and made a reasoned determination
8 that the benefits justify the costs;

9 “(9) used the best reasonably obtainable sci-
10 entific, technical, economic, and other information
11 concerning the need for and consequences of the reg-
12 ulatory action;

13 “(10) identified and assessed alternative forms
14 of regulation and, to the extent feasible, specified
15 performance objectives rather than behavior or man-
16 ner of compliance;

17 “(11) sought comments and suggestions from
18 impacted State, local, and tribal officials on any as-
19 pect of the regulatory action that might significantly
20 or uniquely affect those governmental entities;

21 “(12) assessed the effects of the regulatory ac-
22 tion on State, local, and tribal governments, includ-
23 ing specifically the availability of resources to carry
24 out the regulatory action, and minimized the bur-
25 dens that uniquely or significantly affect such gov-

1 ernmental entities, consistent with achieving regu-
2 latory objectives;

3 “(13) harmonized the regulatory action with
4 the regulatory and other functions of State, local,
5 and tribal governments;

6 “(14) avoided conflicts with or duplication of
7 other existing regulations;

8 “(15) tailored the regulatory action to impose
9 the least burden on society, including individuals,
10 businesses of differing sizes, and other entities (in-
11 cluding small communities and governmental enti-
12 ties), consistent with obtaining the regulatory objec-
13 tives, and taking into account, among other things
14 and to the extent practicable, the costs of cumulative
15 regulations;

16 “(16) drafted the regulatory action to be simple
17 and easy to understand, and minimized the potential
18 for uncertainty and litigation arising from such un-
19 certainty;

20 “(17) met all applicable Executive order re-
21 quirements;

22 “(18) met all applicable statutory requirements;
23 and

24 “(19) complied with all applicable guidance.

1 “(f) QUALITY REVIEW.—For any significant regu-
2 latory action submitted under subsection (c), OIRA shall
3 review the extent to which the agency conducted a mean-
4 ingful and complete analysis of each of the factors de-
5 scribed in subsection (e), considering best practices, meth-
6 ods observed through reviewing other agencies, comments
7 from stakeholders, and other resources that may improve
8 the quality of the process.

9 “(g) INTERAGENCY CONSULTATION.—The Adminis-
10 trator shall identify each agency potentially affected, inter-
11 ested, or otherwise likely to provide valuable feedback on
12 a significant regulatory action submitted under subsection
13 (c) and facilitate a meaningful interagency consultation
14 process. The Administrator shall—

15 “(1) provide each identified agency with a copy
16 of the draft regulatory action;

17 “(2) allow each identified agency to review the
18 draft regulatory action for a sufficient period of
19 time, not less than 10 business days;

20 “(3) solicit written comments from such agency;
21 and

22 “(4) as appropriate, facilitate conversations be-
23 tween agencies.

24 “(h) STAKEHOLDER CONSULTATION.—For all sub-
25 stantive communications between OIRA and individuals

1 not employed by the executive branch regarding a regu-
2 latory action submitted to the Administrator for review
3 under this section, the Administrator shall—

4 “(1) invite the issuing agency to any meeting
5 between OIRA personnel and individuals not em-
6 ployed by the executive branch;

7 “(2) not later than 10 business days after re-
8 ceipt of any written communication submitted by
9 any individual not employed by the executive branch,
10 make such communications available to the public
11 online; and

12 “(3) make available to the public online a log,
13 which shall be updated daily, of the following infor-
14 mation:

15 “(A) The status of each regulatory action.

16 “(B) A copy of any written communication
17 submitted by any person not employed by the
18 executive branch.

19 “(C) The dates and names of persons in-
20 volved in any substantive oral communication
21 and the subject matter discussed during such
22 communication.

23 “(i) CONCLUSION OF REVIEW.—

24 “(1) PROVISION TO AGENCY.—Upon completion
25 of the review, the Administrator shall provide the

1 head of an agency with the results of the OIRA re-
2 view in writing, including a list of every standard,
3 Executive order, guidance document, and law re-
4 viewed for compliance and the results for each.

5 “(2) CHANGES DURING REVIEW PERIOD.—As
6 soon as practicable and before publication in the
7 Federal Register of a significant regulatory action
8 for which OIRA concluded review under this section,
9 the head of the submitting agency shall make avail-
10 able to the Administrator a redline of any changes
11 the agency made to the regulatory action during the
12 review period. To the extent practicable, the agency
13 shall identify any change made at the suggestion or
14 recommendation of any other agency, member of the
15 public, or other source. To the extent practicable,
16 the agency should identify the source of any such
17 change.

18 **“§ 3524. Disclosure of regulatory review**

19 “(a) IN GENERAL.—On the earlier of the date on
20 which an agency publishes a significant regulatory action
21 reviewed under section 3523 in the Federal Register, the
22 agency otherwise makes the significant regulatory action
23 publicly available, or the agency announces a decision not
24 to publish the regulatory action, the Administrator shall
25 make available to the public online—

1 “(1) all information submitted by an agency
2 under section 3523;

3 “(2) the results of the review provided to the
4 agency under section 3523;

5 “(3) the redline of any changes made by the
6 agency during the course of the review provided
7 under section 3523(i)(2);

8 “(4) all documents exchanged between senior
9 level officials at OIRA and the agency during the re-
10 view; and

11 “(5) a list of each consultation described under
12 section 3523(b).

13 “(b) AGENCY DISCLOSURE.—Each agency that sub-
14 mits a significant regulatory actions to OIRA under sec-
15 tion 3522 or 3523 shall maintain on the website of the
16 agency the following:

17 “(1) A list of each active regulatory action, in-
18 cluding the status of the regulatory action or a link
19 to each entry on the unified agenda.

20 “(2) The most recent regulatory plan of the
21 agency.

22 “(3) A link to each record disclosed under sub-
23 section (a).

1 “(c) PLAIN LANGUAGE REQUIREMENT.—All infor-
2 mation provided to the public shall, to the extent prac-
3 ticable, be in plain, understandable language.

4 “(d) RECORDKEEPING.—The Administrator shall en-
5 sure any record associated with a significant regulatory
6 action submitted to OIRA under section 3522 or 3523 is
7 easily accessible for a period of time consistent with ap-
8 proved records disposition schedules for the agency, in a
9 manner that all records associated with a significant regu-
10 latory action can be promptly submitted to Congress upon
11 request.”.

12 (b) TECHNICAL AND CONFORMING AMENDMENT.—
13 The table of sections at the beginning of chapter 35 of
14 title 44, United States Code, is amended by inserting after
15 the item relating to section 3521 the following new items:

“3522. Office of Information and Regulatory Affairs Regulatory Working
Group; regulatory plan; Unified Agenda.

“3523. OIRA coordinated review of significant regulatory actions.

“3524. Disclosure of regulatory review.”.

16 (c) DEFINITIONS.—Section 3502 of title 44, United
17 States Code, is amended—

18 (1) in paragraph (13)(D), by striking “; and”
19 and inserting a semicolon;

20 (2) in paragraph (14), by striking the period at
21 the end and inserting a semicolon; and

22 (3) by adding at the end the following new
23 paragraphs:

1 “(15) the term ‘Administrator’ means, unless
2 otherwise indicated, the Administrator of the Office
3 of Information and Regulatory Affairs;

4 “(16) the term ‘economically significant regu-
5 latory action’ means any regulatory action described
6 under subparagraph (A) or (B) of paragraph (21);

7 “(17) the term ‘OIRA’ means the Office of In-
8 formation and Regulatory Affairs;

9 “(18) the term ‘regulation’—

10 “(A) means an agency statement of gen-
11 eral applicability and future effect, which the
12 agency intends to have the force and effect of
13 law, that is designed to implement, interpret, or
14 prescribe law or policy or to describe the proce-
15 dure or practice requirements of an agency; and

16 “(B) does not include such a statement
17 if—

18 “(i) issued in accordance with the for-
19 mal rulemaking provisions of sections 556
20 and 557 of title 5;

21 “(ii) the statement pertains to a mili-
22 tary or foreign affairs function of the
23 United States, other than procurement
24 regulations and regulations involving the

1 import or export of nondefense articles and
2 services;

3 “(iii) the statement is limited to an
4 agency organization, management, or per-
5 sonnel matters; or

6 “(iv) the statement is exempted as a
7 regulation by the Administrator and a
8 written explanation of the exemption, in-
9 cluding the date of the decision and the
10 reasons for exempting the specific state-
11 ment, is made publically available online;

12 “(19) the term ‘regulation identifier number’
13 means a unique identification code for regulations,
14 which is designed to assist tracking regulations
15 through the course of development;

16 “(20) the term ‘regulatory action’ means—

17 “(A) any substantive action by an agency
18 normally published in the Federal Register that
19 promulgates or is expected to lead to the pro-
20 mulgation of a final regulation, including no-
21 tices of inquiry, advance notices of proposed
22 rulemaking, and notices of proposed rule-
23 making; or

24 “(B) any agency statement of general ap-
25 plicability and future effect, other than a sub-

1 stantive action described in subparagraph (A),
2 which sets forth a policy on a statutory, regu-
3 latory, or technical issue or an interpretation of
4 a statutory or regulatory issue;

5 “(21) the term ‘significant regulatory action’
6 means any regulatory action that is likely to result
7 in a regulation that may—

8 “(A) have an annual effect on the economy
9 of \$100,000,000 or more;

10 “(B) adversely affect in a material way the
11 economy, a sector of the economy, productivity,
12 competition, jobs, the environment, public
13 health or safety, or State, local, or tribal gov-
14 ernments or communities;

15 “(C) create a serious inconsistency or oth-
16 erwise interfere with an action taken or planned
17 by another agency;

18 “(D) materially alter the budgetary impact
19 of entitlements, grants, user fees, or loan pro-
20 grams or the rights and obligations of recipi-
21 ents therein; or

22 “(E) raise novel legal or policy issues aris-
23 ing out of legal mandates;

24 “(22) the term ‘small business’ has the mean-
25 ing given the term ‘small-business concern’ in sec-

1 tion 3 of the Small Business Act (15 U.S.C. 632);
2 and

3 “(23) the term ‘State’ means each of the sev-
4 eral States, the District of Columbia, each territory
5 or possession of the United States, and each feder-
6 ally recognized Indian tribe.”.

7 (d) DEADLINE FOR ISSUANCE OF GUIDANCE.—Not
8 later than 180 days after the date of the enactment of
9 this Act, the Administrator of the Office of Information
10 and Regulatory Affairs shall issue any guidance required
11 by section 3522 of title 44, United States Code, as added
12 by subsection (a).

13 (e) EFFECTIVE DATE.—Section 3524 of title 44, as
14 added by subsection (a), shall take effect 120 days after
15 the date of the enactment of this Act.

16 **SEC. 3. NO ADDITIONAL FUNDS AUTHORIZED.**

17 No additional funds are authorized to carry out the
18 requirements of this Act and the amendments made by
19 this Act. Such requirements shall be carried out using
20 amounts otherwise authorized.

 Passed the House of Representatives March 1,
2017.

Attest:

KAREN L. HAAS,

Clerk.