

115TH CONGRESS
1ST SESSION

H. R. 41

To amend title 5, United States Code, to require agencies to respond to comments from congressional committees about proposed rulemaking, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2017

Mr. MULLIN (for himself, Mr. ALLEN, Mr. BISHOP of Utah, Mr. COLE, Mr. FRANKS of Arizona, Mr. GOSAR, Mrs. LOVE, Mr. LUCAS, Mr. PALAZZO, Mr. RUSSELL, Mr. WESTERMAN, Mr. MCCLINTOCK, Mr. CHAFFETZ, Mr. YOHO, and Mr. SMITH of Missouri) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 5, United States Code, to require agencies to respond to comments from congressional committees about proposed rulemaking, 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 “Preventing Overreach
5 Within the Executive Rulemaking System Act of 2017”
6 or the “POWERS Act of 2017”.

1 **SEC. 2. REQUIRING AGENCY RESPONSE TO COMMENTS**
2 **FROM CONGRESSIONAL COMMITTEES ABOUT**
3 **PROPOSED RULEMAKING.**

4 (a) IN GENERAL.—Section 553(e) of title 5, United
5 States Code, is amended—

6 (1) by striking “After notice” and inserting
7 “(1) After notice”; and

8 (2) by adding at the end the following:

9 “(2) No publication or service of a rule may be made
10 during the period beginning on the date of the publication
11 of a notice of proposed rulemaking under subsection (b)
12 with respect to such rule and ending on the date that is
13 60 days after such date of publication, subject to para-
14 graph (3).

15 “(3)(A) With respect to a rule, if a committee of the
16 House of Representatives or the Senate that has jurisdic-
17 tion under the Rules of the House of Representatives or
18 the Senate, respectively, over the provision of law that au-
19 thORIZES the agency to issue the rule submits written data,
20 views, or arguments to the head of the agency through
21 electronic mail and physical mail during the period de-
22 scribed in paragraph (2), not later than 10 days after the
23 date of such submission, the head of the agency shall pub-
24 lish in the Federal Register a response that addresses the
25 content of such submission and answers any questions
26 posed in such submission.

1 “(B) The period beginning on the date of such sub-
2 mission and ending on the date of such publication (or
3 a notification under paragraph (4)(B)) shall not count as
4 part of the period described in paragraph (2).

5 “(4) Paragraph (3)(A) shall not apply with respect
6 to a subsequent submission with respect to a rule to the
7 head of an agency under such paragraph by a committee
8 that has made an initial submission to such head and re-
9 ceived a response under such paragraph if the head—

10 “(A) determines that such subsequent submis-
11 sion—

12 “(i) fails to address the content of such re-
13 sponse; or

14 “(ii) raises issues that were not raised in
15 the initial submission or the response; and

16 “(B) notifies the committee of such determina-
17 tion.”.

18 (b) APPLICABILITY.—The amendments made by this
19 section shall apply with respect to a rule for which the
20 notice of proposed rulemaking is published under section
21 553(b) of title 5, United States Code, on or after the date
22 of enactment of this Act.

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