

115TH CONGRESS
1ST SESSION

S. 288

To require notice and comment for certain interpretative rules.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2017

Mr. DAINES (for himself, Mr. LANKFORD, Mr. BLUNT, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require notice and comment for certain interpretative rules.

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 “Regulatory Predict-
5 ability for Business Growth Act of 2017”.

6 **SEC. 2. REQUIRING NOTICE AND COMMENT FOR CERTAIN**
7 **INTERPRETATIVE RULES.**

8 Subchapter II of chapter 5 of title 5, United States
9 Code, is amended—

10 (1) in section 551—

1 (A) in paragraph (13), by striking “and”
2 at the end;

3 (B) in paragraph (14), by striking the pe-
4 riod at the end and inserting a semicolon; and

5 (C) by adding at the end the following:

6 “(15) ‘longstanding interpretative rule’ means
7 an interpretative rule that has been in effect for not
8 less than 1 year; and

9 “(16) ‘revise’ means, with respect to an inter-
10 pretative rule, altering or otherwise changing any
11 provision of a longstanding interpretative rule that
12 conflicts, or is in any way inconsistent with, any pro-
13 vision in a subsequently promulgated interpretative
14 rule.”; and

15 (2) in section 553—

16 (A) in subsection (b)(A), by striking “in-
17 terpretative rules” and inserting “an interpreta-
18 tive rule of an agency, unless the interpretative
19 rule revises a longstanding interpretative rule of
20 the agency”; and

21 (B) in subsection (d)(2), by striking “in-
22 terpretative rules” and inserting “an interpreta-
23 tive rule of an agency, unless the interpretative

1 rule revises a longstanding interpretative rule of
2 the agency,”.

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