

Union Calendar No. 739

118TH CONGRESS
2D SESSION**H. R. 262****[Report No. 118–904, Part I]**

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 2023

Mr. GOOD of Virginia (for himself, Mr. MCCLINTOCK, Mrs. MILLER of Illinois, and Mr. MOORE of Alabama) introduced the following bill; which was referred to the Committee on Oversight and Accountability, 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

DECEMBER 18, 2024

Reported from the Committee on Oversight and Accountability with an amendment

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

DECEMBER 18, 2024

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

[For text of introduced bill, see copy of bill as introduced on January 10, 2023]

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” or the “ALERT Act”.*

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

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

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

16 **“§651. Agency monthly submission to office of infor-**
 17 **mation and regulatory affairs**

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

1 “(1) *For each rule that the agency expects to*
2 *propose or finalize during the 12-month period fol-*
3 *lowing the month covered by the monthly submission:*

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

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

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

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

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

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

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

1 “(2) *For any rule for which the agency expects*
2 *to finalize during the 12-month period following the*
3 *month covered by the monthly submission and has*
4 *issued a general notice of proposed rule making—*

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

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

9 “(i) *less than \$50,000,000;*

10 “(ii) *\$50,000,000 or more but less than*
11 *\$100,000,000;*

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

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

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

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

20 “(vii) *\$10,000,000,000 or more;*

21 “(C) *any estimate of the economic effects of*
22 *the rule, including the imposition of unfunded*
23 *mandates and any estimate of the net effect that*
24 *the rule will have on the number of jobs in the*
25 *United States, that was considered in drafting*

1 *the rule, or, if no such estimate is available, a*
2 *statement affirming that no information on the*
3 *economic effects, including the effect on the num-*
4 *ber of jobs, of the rule has been considered; and*

5 *“(D) a list of all influential scientific infor-*
6 *mation disseminated or expected to be dissemi-*
7 *nated by the agency relating to the rule, includ-*
8 *ing any peer review plans for the information,*
9 *including—*

10 *“(i) the date the information or peer*
11 *review was or is expected to be received by*
12 *the agency;*

13 *“(ii) the date the information or peer*
14 *review was publically disclosed or is ex-*
15 *pected to be publically disclosed, and, if that*
16 *date is altered in subsequent reports, a brief*
17 *explanation for the change; and*

18 *“(iii) the Internet address of the infor-*
19 *mation or peer review completed and dis-*
20 *closed or of where the information or peer*
21 *review will be found, once completed and*
22 *disclosed.*

1 **“§ 652. Office of information and regulatory affairs**
2 ***publications***

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

8 “(b) *CUMULATIVE ASSESSMENT OF AGENCY RULE*
9 *MAKING PUBLISHED ANNUALLY.*—

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

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

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

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

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

1 “(I) the issuing agency conducted
2 an analysis of the costs or benefits of
3 the rule;

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

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

12 “(C) The number of agency actions and a
13 list of each such action taken by each agency
14 that—

15 “(i) repealed a rule;

16 “(ii) reduced the scope of a rule;

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

18 “(iv) accelerated the expiration date of
19 a rule.

20 “(D) The total cost (without reducing the
21 cost by any offsetting benefits) of all rules pro-
22 posed or finalized, the total cost of any unfunded
23 mandates imposed by all such rules, and the
24 number of rules for which an estimate of the cost
25 of the rule was not available.

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

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

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

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

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

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

22 “(F) *The number of rules and a list of each*
23 *such rule for which a resolution of disapproval*
24 *was introduced in either the House of Represent-*
25 *atives or the Senate under section 802.*

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

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

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

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

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

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

16 “(B) necessary for the enforcement of crimi-
17 nal laws;

18 “(C) necessary for national security; or

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

21 **“§ 654. Definitions**

22 “In this chapter, the terms ‘agency’, ‘agency action’,
23 ‘rule’, and ‘rule making’ have the meanings given those
24 terms in section 551, and the term ‘unfunded mandate’ has
25 the meaning given the term ‘Federal mandate’ in section

1 421(6) of the Congressional Budget Act of 1974 (2 U.S.C.
2 658(6)).”.

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

“6. *The Analysis of Regulatory Functions* 601

“6A. *Office of Information and Regulatory Affairs Publication of Information Re-*
lating to Rules 651”.

7 (c) *EFFECTIVE DATES.*—

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

15 (2) *CUMULATIVE ASSESSMENT OF AGENCY RULE*
16 *MAKING.*—

17 (A) *IN GENERAL.*—Subsection (b) of section
18 652 of title 5, United States Code, as added by
19 subsection (a), shall take effect on the date that
20 is 60 days after the date of the enactment of this
21 Act.

22 (B) *DEADLINE.*—The first requirement to
23 publish or make available, as the case may be,
24 under subsection (b) of section 652 of title 5,

1 *United States Code, as added by subsection (a),*
2 *shall be the first October 1 after the effective date*
3 *of such subsection.*

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

11 (3) *REQUIREMENT FOR RULES TO APPEAR IN*
12 *AGENCY-SPECIFIC MONTHLY PUBLICATION.*—*Section*
13 *653 of title 5, United States Code, as added by sub-*
14 *section (a), shall take effect on the date that is 8*
15 *months after the date of the enactment of this Act.*

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