

119TH CONGRESS
1ST SESSION

H. R. 572

To prohibit the use of non-monetized or unqualified factors for regulatory analyses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2025

Mr. SESSIONS (for himself and Ms. HAGEMAN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Small Business, 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

A BILL

To prohibit the use of non-monetized or unqualified factors for regulatory analyses, 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 “Regulations Evaluated
5 to Determine The Anticipated Price and Effect Act” or
6 the “RED TAPE Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds that agencies must prioritize tangible,
9 immediately quantifiable monetary benefits in their deci-

1 sion making processes, ensuring regulatory actions yield
 2 clear and measurable financial benefits to the public and
 3 private sectors while minimizing unnecessary regulatory
 4 costs or burdens.

5 **SEC. 3. PROHIBITION ON NET BENEFIT DISCOUNTS; CON-**
 6 **SIDERATION OF REGULATORY IMPACT ANAL-**
 7 **YSES.**

8 (a) IN GENERAL.—Chapter 6 of title 5, United
 9 States Code, is amended—

10 (1) in section 601—

11 (A) in paragraph (6), by striking “and” at
 12 the end;

13 (B) in paragraph (7), by striking the pe-
 14 riod at the end and inserting a semicolon;

15 (C) in paragraph (8)—

16 (i) by striking “RECORDKEEPING RE-
 17 QUIREMENT.—T” and inserting “the”; and

18 (ii) by striking the period at the end
 19 and inserting a semicolon; and

20 (D) by adding at the end the following:

21 “(9) the term ‘benefit-cost analysis’ has the
 22 meaning given the term in Office of Management
 23 and Budget Circular A–94, as revised on November
 24 9, 2023, or any successor revision; and

1 “(10) the term ‘regulatory impact analysis’
2 means a regulatory analysis described in—

3 “(A) Executive Order 12866 (5 U.S.C.
4 601 note; relating to regulatory planning and
5 review);

6 “(B) Executive Order 13563 (5 U.S.C.
7 601 note; relating to improving regulation and
8 regulatory review);

9 “(C) Executive Order 14094 (88 Fed. Reg.
10 21879; relating to modernizing regulatory re-
11 view);

12 “(D) Office of Management and Budget
13 Circular No. A–4, as revised on November 9,
14 2023, or any successor revision; or

15 “(E) Office of Management and Budget
16 Circular No. A–94, as revised on November 9,
17 2023, or any successor revision.”; and

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

19 **“§ 613. Prohibition on use of non-monetized or un-**
20 **qualified factors for regulatory analyses**

21 “(a) AGENCY PROHIBITION.—An agency may not
22 consider any non-monetized or unquantified factor when
23 conducting a regulatory impact analysis or benefit-cost
24 analysis on any proposed rule, final rule, or interim final
25 rule.

1 “(b) OMB PROHIBITION.—The Office of Manage-
2 ment and Budget may not—

3 “(1) authorize in any manner, such as in
4 issuing guidance, a memorandum, a directive, or a
5 rule that permit or endorse the analysis or use of
6 any non-monetized or unquantified factor when con-
7 ducting a regulatory impact analysis or benefit-cost
8 analysis on any proposed rule, final rule, or interim
9 final rule; or

10 “(2) consider any non-monetized or
11 unquantified factor presented in a regulatory impact
12 analysis or benefit-cost analysis of another agency.

13 “(c) PUBLIC TRANSPARENCY.—Each agency shall
14 publish in the Federal Register, with respect to and along
15 with each proposed rule, final rule, or interim final rule—

16 “(1) a summary of each regulatory impact anal-
17 ysis and benefit-cost analysis conducted by the agen-
18 cy;

19 “(2) the text of each regulatory impact analysis
20 and benefit-cost analysis conducted by the agency,
21 including a disclosure of the methodology and spe-
22 cific analyses used by the agency in estimating eco-
23 nomic impacts, and the determination and rationale
24 of such economic impact analyses; and

1 “(3) any additional information of the agency
2 relevant to the regulatory impact and benefit-cost
3 analyses conducted by the agency, such as the deci-
4 sion-making processes of the agency.

5 “(d) REGULATORY GUIDANCE.—Not later than 90
6 days after the date of enactment of this section, the Direc-
7 tor of the Office of Management and Budget shall issue
8 revised guidance to agencies to ensure compliance with the
9 provisions of this section.

10 “(e) JUDICIAL REVIEW.—

11 “(1) IN GENERAL.—Any party affected by a
12 rule issued by an agency that considered a non-mon-
13 etized or unquantified factor when conducting a reg-
14 ulatory impact or benefit-cost analysis in violation of
15 this section may bring a civil action against the
16 agency to challenge the rule in a district court of the
17 United States.

18 “(2) INVALIDATION OF REGULATION.—If the
19 court finds that an agency relied upon non-mone-
20 tized or unquantified factors to evaluate a final rule
21 or interim final rule in contravention of this section,
22 the court shall declare the rule invalid.

23 “(3) APPLICATION.—This subsection shall
24 apply with respect to any rule issued by an agency
25 on or after November 9, 2023.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—

2 The table of sections for chapter 6 of title 5, United States

3 Code, is amended by adding at the end the following:

“613. Prohibition on use of non-monetized or unquantified factors for regulatory analyses.”.

4 **SEC. 4. EFFECTIVE DATE.**

5 The amendments made by section 3 shall take effect

6 on the date that is 30 days after the date of enactment

7 of this Act.

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