

109TH CONGRESS
2^D SESSION

H. R. 5536

To implement the Western Hemisphere Travel Initiative and other registered traveler programs of the Department of Homeland Security.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2006

Ms. SLAUGHTER (for herself and Mr. MCHUGH) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on International Relations and 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

A BILL

To implement the Western Hemisphere Travel Initiative and other registered traveler programs of the Department of Homeland Security.

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 “Protecting American
5 Commerce and Travel Act of 2006”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Approximately 23 million United States citi-
2 zens annually cross the northern or southern border.

3 (2) Twenty-seven percent of United States citi-
4 zens and 40 percent of Canadian citizens possess a
5 valid passport.

6 (3) Canada is the United States largest trading
7 partner, with an average of \$1.1 billion in goods
8 crossing the United States-Canada border every day.

9 (4) In 2004, Canadians made 14 million visits
10 to the United States and spent \$10.3 billion in the
11 United States.

12 **SEC. 3. REPORT ON EXISTING DOCUMENTATION REQUIRE-**
13 **MENTS.**

14 (a) IN GENERAL.—Not later than 120 days after the
15 date of the enactment of this Act, the Secretary of Home-
16 land Security and the Secretary of State shall jointly sub-
17 mit to the Committee on Homeland Security and the Com-
18 mittee on the Judiciary of the House of Representatives
19 and the Committee on Homeland Security and Govern-
20 mental Affairs and the Committee on the Judiciary of the
21 Senate a report examining the feasibility, method, cost,
22 and time period of implementation, cost and security ad-
23 vantages, if any, and the impact on cross-border traffic
24 of using a State driver's licence that satisfies the minimum
25 document requirements and issuance standards for a

1 State driver’s licence under section 202 of the REAL ID
2 Act of 2005 as sufficient to denote identity and citizen-
3 ship, for all travel into the United States by United States
4 citizens in order to satisfy the requirement of section
5 7209(b) of the Intelligence Reform and Terrorism Preven-
6 tion Act of 2004 (Public Law 108–458) (commonly re-
7 ferred to as the Western Hemisphere Travel Initiative).

8 (b) REVIEW OF STUDY BY GOVERNMENT ACCOUNT-
9 ABILITY OFFICE.—Not later than 120 days after submis-
10 sion of the report required under subsection (a), the
11 Comptroller General of the United States shall review the
12 report and submit an audit of the report to the Committee
13 on Homeland Security and the Committee on the Judici-
14 ary of the House of Representatives and the committee
15 on Homeland Security and Governmental Affairs and the
16 Committee on the Judiciary of the Senate.

17 **SEC. 4. WESTERN HEMISPHERE TRAVEL INITIATIVE.**

18 (a) EXTENSION OF DEADLINE FOR IMPLEMENTA-
19 TION.—Subsection (b)(1) of section 7209 of the Intel-
20 ligence Reform and Terrorism Prevention Act of 2004 is
21 amended—

22 (1) in the first sentence, by inserting “on its
23 own when produced” after “sufficient”; and

24 (2) in the second sentence, by striking “Janu-
25 ary 1, 2008” and inserting “September 15, 2009”.

1 (b) PROHIBITION ON IMPLEMENTATION OF TIERED
2 APPROACH.—Subsection (b)(2) of section 7209 of such
3 Act is amended by adding at the end the following new
4 sentence: “The plan developed under paragraph (1) shall
5 require the implementation at the same time of the docu-
6 mentation requirements described in such paragraph for
7 all international travel, regardless of whether such travel
8 is by air, sea, or land.”.

9 (c) TRAVEL TO CANADA AND MEXICO.—Section
10 7209(b) of such Act is amended by adding at the end the
11 following new paragraphs:

12 “(3) PROCESS FOR UNITED STATES CITIZENS
13 LACKING REQUIRED DOCUMENTS.—The Secretary of
14 Homeland Security, in consultation with the Sec-
15 retary of State, shall establish a process to permit
16 a citizen of the United States who does not possess
17 a passport or other document, or combination of
18 documents, as required under paragraph (1), to re-
19 enter the United States at an international land bor-
20 der of the United States.

21 “(4) SPECIAL RULE FOR CERTAIN MINORS.—
22 United States citizens who are less than 16 years of
23 age shall not be required to present to an immigra-
24 tion officer a passport or other document, or com-
25 bination of documents, as required under paragraph

1 (1), when returning to the United States from Can-
2 ada at any port of entry along the international land
3 border between the United States and Canada.”.

4 (d) ISSUANCE BY DEPARTMENT OF STATE OF
5 NORTH AMERICAN TRAVEL CARDS.—

6 (1) IN GENERAL.—In accordance with section
7 7209 of the Intelligence Reform and Terrorism Pre-
8 vention Act of 2004, the Secretary of State, in con-
9 sultation with the Secretary of Homeland Security,
10 shall issue to United States citizens who submit an
11 application in accordance with paragraph (4) a trav-
12 el document that will serve as a North American
13 travel card. The Secretary of State may refer to a
14 North American travel card by any name the Sec-
15 retary determines appropriate.

16 (2) APPLICABILITY.—A North American travel
17 card shall be deemed to be a United States passport
18 for the purpose of United States laws and regula-
19 tions relating to United States passports.

20 (3) USE AND LIMITATION.—A North American
21 travel card may be used for the purpose of facili-
22 tating international travel by United States citizens
23 in accordance with section 7209(b) of the Intel-
24 ligence Reform and Terrorism Prevention Act of
25 2004. The Secretary of State may limit the use of

1 a North American travel card to only international
2 air travel. If the Secretary does so limit the use of
3 a North American travel card, the Secretary shall
4 submit to Congress a report explaining why the
5 North American travel card is so limited.

6 (4) APPLICATION FOR ISSUANCE.—

7 (A) IN GENERAL.—To be issued a North
8 American travel card, a United States citizen
9 shall submit an application to the Secretary of
10 State. Such application shall contain the same
11 information as is required by the Secretary to
12 determine citizenship, identity, and eligibility
13 for issuance of a United States passport.

14 (B) ACCEPTANCE OF APPLICATIONS.—The
15 Secretary of State may begin accepting applica-
16 tions for North American travel cards beginning
17 on the date that is one year after the date of
18 the enactment of this Act.

19 (C) RAPID ISSUANCE.—Not later than ten
20 business days after receipt of an application
21 (including any applicable fees) from a United
22 States citizen for a North American travel card,
23 the Secretary of State shall provide such citizen
24 with such card.

1 (5) EXPEDITED TRAVELER PROGRAMS.—The
2 North American travel card shall be designed and
3 produced so as to provide a platform on which the
4 expedited traveler programs of the Department of
5 Homeland Security, such as NEXUS, NEXUS AIR,
6 SENTRI, FAST, and Registered Traveler can be
7 added.

8 (6) FEE.—Except as in provided in paragraph
9 (8), an applicant for a North American travel card
10 shall submit an application under paragraph (4) to-
11 gether with a single nonrefundable fee in an amount
12 to be determined by the Secretary of State. Fees for
13 a North American travel card shall be deposited as
14 an offsetting collection to the appropriate Depart-
15 ment of State appropriation, to remain available
16 until expended. Such fee shall not exceed \$20, and
17 the Secretary shall seek to keep such fee as low as
18 possible, based on the cost of service.

19 (7) RULE OF CONSTRUCTION.—Nothing in this
20 Act shall be construed as limiting, altering, modi-
21 fying, or otherwise affecting the validity of a United
22 States passport. A United States citizen may possess
23 a United States passport and a North American
24 travel card.

1 (8) EXPEDITED PROCESSING.—The Secretary
2 of State shall seek to expedite the speed with which
3 North American travel cards are issued in response
4 to citizens’ applications by whatever means possible
5 in order to support spontaneous travel between bor-
6 der communities in the United States, Canada, and
7 Mexico.

8 (e) TRAVEL DOCUMENT FOR TRAVEL INTO UNITED
9 STATES.—For purposes of the plan required under section
10 7209(b) of the Intelligence Reform and Terrorism Preven-
11 tion Act of 2004, a North American travel card issued
12 under this section shall be considered a document suffi-
13 cient on its own when produced to denote identity and citi-
14 zenship for travel into the United States by United States
15 citizens.

16 (f) FOREIGN COOPERATION.—In order to maintain
17 and encourage cross-border travel and trade, the Secretary
18 of State and the Secretary of Homeland Security shall use
19 all possible means to coordinate with the appropriate rep-
20 resentatives of foreign governments to ensure that their
21 citizens and nationals possess, not later than September
22 15, 2009, appropriate documentation to allow such citi-
23 zens and nationals to cross into the United States.

24 (g) PUBLIC PROMOTION.—To promote travel and
25 trade across the United States border, the Secretary of

1 State and the Secretary of Homeland Security shall de-
2 velop a public communications plan to promote to United
3 States citizens, representatives of the travel and trade in-
4 dustries, and local government officials information relat-
5 ing to the North American travel card program and the
6 expedited traveler programs of the Department of Home-
7 land Security.

8 (h) PRIVATE COLLABORATION.—Not later than six
9 months after the date of the enactment of this Act, the
10 Secretary of State and the Secretary of Homeland Secu-
11 rity shall submit to Congress a report on their efforts to
12 solicit policy suggestions from the private sector con-
13 cerning implementation of section 7209 of the Intelligence
14 Reform and Terrorism Prevention Act of 2004. This re-
15 port should include the private sector’s recommendations
16 concerning how air, sea, and land travel between countries
17 in the Western Hemisphere can be improved while enhanc-
18 ing security.

19 (i) ACCESSIBILITY.—In order to make the North
20 American travel card easily obtainable, the Secretary of
21 Homeland Security shall accept applications for the card
22 at all NEXUS and FAST enrollment centers.

23 (j) EQUIPMENT AT THE BORDERS.—The Secretary
24 of Homeland Security shall ensure that, not later than
25 September 15, 2009, all land border ports of entry along

1 the international land border of the United States and
2 Canada and the United States and Mexico are equipped
3 with the appropriate technology to read a North American
4 travel card.

5 (k) STATUTORY AUTHORITY.—

6 (1) STATE DEPARTMENT BASIC AUTHORITIES
7 ACT OF 1956.—The State Department Basic Authori-
8 ties Act of 1956 is amended—

9 (A) in section 3(m) (22 U.S.C. 2670(m)),
10 by inserting “, North American travel card,”
11 after “passport”;

12 (B) in section 4 (22 U.S.C. 2671)—

13 (i) in subsection (b)(2)(I), by insert-
14 ing “, North American travel cards,” after
15 “passports”; and

16 (ii) in subsection (d)(3), by inserting
17 “or North American travel cards” after
18 “passports”;

19 (C) in section 33(1) (22 U.S.C. 2705(1)),
20 by striking “passport,” and inserting “passport
21 or North American travel card,”;

22 (D) in section 37(a)(1) (22 U.S.C.
23 2709(a)(1)), by inserting “, North American
24 travel card,” after “passport”;

25 (E) in section 42 (22 U.S.C. 2714)—

1 (i) in subsection (a)—

2 (I) in paragraph (1), by inserting
3 “or North American travel card” after
4 “passport” each place such term ap-
5 pears; and

6 (II) in paragraph (2)—

7 (aa) in the heading, by in-
8 serting “AND NORTH AMERICAN
9 TRAVEL CARD” after “PASS-
10 PORT”; and

11 (bb) by inserting “or North
12 American travel card” after
13 “passport” each place such term
14 appears; and

15 (ii) in subsection (d), by striking
16 “passport,” and inserting “passport or
17 North American travel card,”; and

18 (F) in section 49 (22 U.S.C. 2721)—

19 (i) in the heading, by inserting “**AND**
20 **NORTH AMERICAN TRAVEL CARDS**”
21 after “**PASSPORTS**”; and

22 (ii) by inserting “or North American
23 travel card” after “passport”.

24 (2) ACT OF JULY 3, 1926.—Section 1 of the Act
25 of July 3, 1926 (Chapter 772; 44 Stat. 887; 22

1 U.S.C. 211a), is amended by adding at the end the
2 following new sentence: “Nothing in this section
3 shall be construed to prevent the Secretary from
4 issuing a passport in the form of a North American
5 travel card that is valid for travel only through land
6 border ports of entry between the United States and
7 Canada and the United States and Mexico.”.

8 (3) IMMIGRATION AND NATIONALITY ACT.—The
9 Immigration and Nationality Act is amended—

10 (A) in section 215 (8 U.S.C. 1185)—

11 (i) in subsection (b), by inserting “or
12 North American travel card, if appro-
13 priate” after “passport”; and

14 (ii) in subsection (f), by inserting
15 “North American travel cards (if appro-
16 priate),” after “Passports,”;

17 (B) in section 231(c)(5) (8 U.S.C.
18 1221(c)(5)), by inserting “or North American
19 travel card number, if appropriate” before the
20 semicolon;

21 (C) in section 241(c)(3)(B)(vi) (8 U.S.C.
22 1231(c)(3)(B)(vi)), by inserting “or North
23 American travel card” after “passport”; and

1 (D) in section 274A(b)(1)(B)(i) (8 U.S.C.
2 1324a(b)(1)(B)(i)), by inserting “or North
3 American travel card” before the semicolon.

4 (l) REPORTS.—The Secretary of State shall, on a
5 quarterly basis during the first year of issuance of North
6 American travel cards and on an annual basis thereafter,
7 submit to Congress a report containing information relat-
8 ing to the number of North American travel cards issued
9 during the immediately preceding quarter or year, as ap-
10 propriate, and the number of United States citizens in
11 each State applying for such cards.

12 **SEC. 5. IMPROVING THE NEXUS AND FAST REGISTERED**
13 **TRAVELER PROGRAMS.**

14 (a) MERGING REQUIREMENTS OF NEXUS AND
15 FAST.—

16 (1) IN GENERAL.—The Secretary of Homeland
17 Security shall merge the procedures for the pro-
18 grams described in subsection (k) into a single pro-
19 cedure, with common eligibility and security screen-
20 ing requirements, enrollment processes, and sanc-
21 tions regimes.

22 (2) SPECIFIC REQUIREMENTS.—In carrying out
23 paragraph (1), the Secretary shall ensure that—

24 (A) the procedures for the programs
25 known as “NEXUS Highway”, “NEXUS Ma-

1 rine”, and “NEXUS Air” are integrated into
2 such a single procedure; and

3 (B) the processes relating to eligibility and
4 security screening are identical to those for the
5 FAST program described in subsection (l)(2)
6 on the date of the enactment of this Act.

7 (b) INTEGRATING NEXUS AND FAST INFORMATION
8 SYSTEMS.—The Secretary of Homeland Security shall in-
9 tegrate all databases and information systems for the pro-
10 grams described in subsection (k) in a manner that will
11 permit any identification card issued to a participant to
12 operate in all locations where a program described in such
13 subsection is operating.

14 (c) CREATION OF NEXUS CONVERTIBLE LANES.—
15 In order to expand the NEXUS program described in sub-
16 section (k)(2) to major northern border crossings, the Sec-
17 retary of Homeland Security, in consultation with appro-
18 priate representatives of the Government of Canada, shall
19 equip the following northern border crossings with
20 NEXUS technology:

- 21 (1) Pembina, North Dakota.
- 22 (2) Sault Ste. Marie, Michigan.
- 23 (3) Alexandria Bay, New York.
- 24 (4) Portal, North Dakota.
- 25 (5) Sweet Grass, Montana.

1 (6) International Falls, Minnesota.

2 (d) CREATION OF REMOTE ENROLLMENT CEN-
3 TERS.—The Secretary of Homeland Security, in consulta-
4 tion with appropriate representatives of the Government
5 of Canada, shall create a minimum of six remote enroll-
6 ment centers for the programs described in subsection (k).
7 Such a remote enrollment center shall be established at
8 each of the border crossings described in subsection (c).

9 (e) CREATION OF MOBILE ENROLLMENT CEN-
10 TERS.—The Secretary of Homeland Security, in consulta-
11 tion with appropriate representatives of the Government
12 of Canada, shall create a minimum of four mobile enroll-
13 ment centers for the programs described in subsection (k).
14 Such mobile enrollment centers shall be used to accept and
15 process applications in areas currently underserved by
16 such programs. The Secretary shall work with State and
17 local authorities in determining the locations of such mo-
18 bile enrollment centers.

19 (f) ON-LINE APPLICATION PROCESS.—The Secretary
20 of Homeland Security shall design an on-line application
21 process for the programs described in subsection (k). Such
22 process shall permit individuals to securely submit their
23 applications on-line and schedule a security interview at
24 the nearest enrollment center.

25 (g) PROMOTING ENROLLMENT.—

1 (1) CREATING INCENTIVES FOR ENROLL-
2 MENT.—In order to encourage applications for the
3 programs described in subsection (k), the Secretary
4 of Homeland Security shall develop a plan to admit
5 participants at a rate that does not exceed \$20 per
6 card issued for each of such programs. The fee for
7 the first renewal for participation in each such pro-
8 gram shall be waived.

9 (2) CUSTOMER SERVICE PHONE NUMBER.—In
10 order to provide potential applicants with timely in-
11 formation for the programs described in subsection
12 (k), the Secretary of Homeland Security shall create
13 a customer service telephone number for such pro-
14 grams.

15 (3) PUBLICITY CAMPAIGN.—The Secretary shall
16 carry out a program to educate the public regarding
17 the benefits of the programs described in subsection
18 (k).

19 (h) TRAVEL DOCUMENT FOR TRAVEL INTO UNITED
20 STATES.—For purposes of the plan required under section
21 7209(b) of the Intelligence Reform and Terrorism Preven-
22 tion Act of 2004, an identification card issued to a partici-
23 pant in a program described in subsection (k) shall be con-
24 sidered a document sufficient on its own when produced
25 to denote identity and citizenship for travel into the

1 United States by United States citizens and by categories
2 of individuals for whom documentation requirements have
3 previously been waived under section 212(d)(4)(B) of the
4 Immigration and Nationality Act (8 U.S.C.
5 1182(d)(4)(B)).

6 (i) CONSOLIDATED BACKGROUND CHECK PROC-
7 ESS.—

8 (1) REQUIREMENT.—The Secretary of Home-
9 land Security, in consultation with the Attorney
10 General, shall establish a single process for con-
11 ducting the security screening and background
12 checks of individuals participating in any of the pro-
13 grams identified under paragraph (2).

14 (2) INCLUDED PROGRAMS.—The process estab-
15 lished under paragraph (1) shall apply to the fol-
16 lowing programs:

17 (A) The Transportation Worker Identifica-
18 tion Credential.

19 (B) The security risk determination and
20 related background checks under section 5103a
21 of title 49, United States Code, performed by
22 the Transportation Security Administration as
23 part of the Department of Transportation Haz-
24 ardous Materials Endorsement credentialing
25 program.

1 (C) The programs described in subsection
2 (k).

3 (D) The Secure Electronic Network for
4 Travelers Rapid Inspection, or “SENTRI”, pro-
5 gram authorized under section 286(q) of the
6 Immigration and Nationality Act (8 U.S.C.
7 1356(q)).

8 (E) The Registered Traveler program of
9 the Transportation Security Administration.

10 (3) FEATURES OF PROCESS.—The process es-
11 tablished under paragraph (1) shall include the fol-
12 lowing:

13 (A) A single submission of security screen-
14 ing information, including personal data and bi-
15 ometric information as appropriate, necessary
16 to meet the security requirements of all applica-
17 ble departmental programs.

18 (B) An ability to submit such security
19 screening information at any location or
20 through any process approved by the Secretary
21 with respect to any of the applicable depart-
22 mental programs.

23 (C) Acceptance by the Department of a se-
24 curity clearance or other credential issued by a
25 Federal agency, to the extent that the security

1 clearance process of the agency satisfies re-
2 quirements that are at least as stringent as
3 those of the applicable departmental programs
4 under paragraph (2).

5 (D) Appropriate standards and procedures
6 for protecting individual privacy, confidentiality,
7 record retention, and addressing other concerns
8 relating to information security.

9 (4) DEADLINES.—The Secretary of Homeland
10 Security shall—

11 (A) not later than six months after the
12 date of the enactment of this Act, submit to the
13 appropriate congressional committees (as de-
14 fined in section 2 of the Homeland Security Act
15 of 2002 (6 U.S.C. 101)) a description of the
16 process developed under this subsection; and

17 (B) not later than 12 months after the
18 date of the enactment of this Act, begin imple-
19 menting such process.

20 (5) INCLUSION OF OTHER PROGRAMS.—The
21 Secretary of Homeland Security shall review other
22 existing or developing Department of Homeland Se-
23 curity programs that include security screening or
24 background checks for participating individuals, and
25 report to the appropriate congressional committees

1 (as defined in section 2 of the Homeland Security
2 Act of 2002 (6 U.S.C. 101)) any recommendations
3 for inclusion of such additional programs in the con-
4 solidated screening process established under this
5 section.

6 (6) RELATIONSHIP TO OTHER LAWS.—Nothing
7 in this subsection affects:

8 (A) any statutory or regulatory require-
9 ment relating to the operation or standards of
10 the programs described in paragraph (2).

11 (B) any statutory requirement relating to
12 title III of the Intelligence Reform and Ter-
13 rorism Prevention Act of 2004.

14 (j) REPORTS.—

15 (1) REPORT ON IMPLEMENTATION.—Not later
16 than one year after the date of the enactment of this
17 Act, the Secretary of Homeland Security shall sub-
18 mit to the appropriate congressional committees (as
19 defined in section 2 of the Homeland Security Act
20 of 2002 (6 U.S.C. 101)) a report on the implemen-
21 tation of subsections (a) through (i).

22 (2) REPORT ON COORDINATION.—Not later
23 than six months after the date of the enactment of
24 this Act, the Secretary of Homeland Security shall
25 submit to the appropriate congressional committees

1 (as defined in section 2 of the Homeland Security
2 Act of 2002 (6 U.S.C. 101)) a report on the work
3 being performed to streamline and coordinate the
4 following programs:

5 (A) The programs described in subsection
6 (k).

7 (B) The Secure Electronic Network for
8 Travelers Rapid Inspection, or “SENTRI”, pro-
9 gram authorized under section 286(q) of the
10 Immigration and Nationality Act (8 U.S.C.
11 1356(q)).

12 (C) The Registered Traveler program of
13 the Transportation Security Administration.

14 (k) PROGRAMS.—The programs described in this sub-
15 section are the following:

16 (1) The FAST program authorized under sub-
17 part B of title IV of the Tariff Act of 1930 (19
18 U.S.C. 1411 et seq.)

19 (2) The NEXUS program authorized under sec-
20 tion 286(q) of the Immigration and Nationality Act
21 (U.S.C. 1356(q)).

1 **SEC. 6. COST-BENEFIT ANALYSIS OF IMPLEMENTATION OF**
2 **SECTION 7209(B) OF THE INTELLIGENCE RE-**
3 **FORM AND TERRORISM PREVENTION ACT OF**
4 **2004.**

5 (a) IN GENERAL.—The Secretary of Homeland Secu-
6 rity shall, in accordance with subsection (c), conduct a
7 cost-benefit analysis of the implementation of the require-
8 ments of section 7209(b) of the Intelligence Reform and
9 Terrorism Prevention Act of 2004 with respect to the
10 issuance and use of North American travel cards and
11 NEXUS and FAST identification cards as documents suf-
12 ficient on their own when produced to denote identity and
13 citizenship for travel into the United States.

14 (b) PUBLICATION.—

15 (1) RESULTS OF ANALYSIS AND NOTICE OF
16 PROPOSED RULEMAKING.—The Secretary shall pub-
17 lish in the Federal Register the results of the anal-
18 ysis required under subsection (a), together with a
19 Notice of Proposed Rulemaking of the Department
20 of Homeland Security with respect to the issuance of
21 North American travel cards and NEXUS and
22 FAST identification cards as satisfying the require-
23 ments of section 7209(b) of the Intelligence Reform
24 and Terrorism Prevention Act of 2004 (commonly
25 referred to as the Western Hemisphere Travel Ini-
26 tiative).

1 (2) TIME FOR PUBLICATION.—The Secretary
2 may not publish in the Federal Register the Notice
3 of Proposed Rulemaking referred to in paragraph
4 (1) until the report required under section 3(a) has
5 been submitted to the committees specified in sub-
6 section (a) of such section.

7 (c) PROGRAM.—The Secretary shall conduct the anal-
8 ysis required under subsection (a) in accordance with the
9 requirements for a significant regulatory action as set
10 forth and defined in Executive Order 12866 (issued on
11 September 30, 1993; published in the Federal Register on
12 October 4, 1993). Such analysis shall include the following
13 information:

14 (1) An assessment, including the underlying
15 analysis, of benefits anticipated from the regulatory
16 action (such as the promotion of the efficient func-
17 tioning of the economic and private markets, the en-
18 hancement of health and safety, the protection of
19 the natural environment, and the elimination or re-
20 duction of discrimination or bias) together with, to
21 the extent feasible, a quantification of those benefits.

22 (2) An assessment, including the underlying
23 analysis, of costs anticipated from the regulatory ac-
24 tion (such as the direct cost both to the United
25 States Government in administering the regulation

1 and to businesses and others in complying with the
2 regulation, and any adverse effects on the efficient
3 functioning of the economy, private markets (includ-
4 ing productivity, employment, and competitiveness),
5 health, safety, and the natural environment), to-
6 gether with, to the extent feasible, a quantification
7 of those costs.

8 (3) An assessment, including the underlying
9 analysis, of costs and benefits of potentially effective
10 and reasonably feasible alternatives to the planned
11 regulation, identified by the agencies or the public
12 (including improving the current regulation and rea-
13 sonably viable nonregulatory actions), and an expla-
14 nation why the planned regulatory action is pref-
15 erable to potential alternatives.

16 (d) SUBSEQUENT PUBLICATION.—The Secretary
17 shall publish in the Federal Register after publication of
18 the analysis and the Notice of Proposed Rulemaking under
19 subsection (b) information that—

20 (1) identifies for the public, in a complete,
21 clear, and simple manner, the substantive changes
22 between the draft of the proposed regulatory action
23 submitted to the Office of Information and Regu-
24 latory Affairs of the Office of Management and

1 Budget for review and the action subsequently an-
2 nounced; and

3 (2) identifies for the public those changes in the
4 regulatory action that were made at the suggestion
5 or recommendation of the Office of Information and
6 Regulatory Affairs.

○