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1ST SESSION

S. 474

To reform the regulatory process to ensure that small businesses are free to compete and to create jobs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2011

Ms. SNOWE (for herself, Mr. COBURN, Ms. AYOTTE, Mr. ENZI, and Mr. BROWN of Massachusetts) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To reform the regulatory process to ensure that small businesses are free to compete and to create jobs, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Small Business Regulatory Freedom Act of 2011”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Including indirect economic impact in small entity analyses.

- Sec. 4. Judicial review to allow small entities to challenge proposed regulations.
 Sec. 5. Periodic review and sunset of existing rules.
 Sec. 6. Requiring small business review panels for all agencies.
 Sec. 7. Expanding the Regulatory Flexibility Act to agency guidance documents.
 Sec. 8. Requiring the Internal Revenue Service to consider small entity impact.
 Sec. 9. Mitigating penalties on small entities.
 Sec. 10. Requiring more detailed small entity analyses.
 Sec. 11. Ensuring that agencies consider small entity impact during the rule-making process.
 Sec. 12. Qualifications of the Chief Counsel for Advocacy and authority for the Office of Advocacy .
 Sec. 13. Technical and conforming amendments.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) A vibrant and growing small business sector
 4 is critical to the recovery of the economy of the
 5 United States.

6 (2) Regulations designed for application to
 7 large-scale entities have been applied uniformly to
 8 small businesses and other small entities, sometimes
 9 inhibiting the ability of small entities to create new
 10 jobs.

11 (3) Uniform Federal regulatory and reporting
 12 requirements in many instances have imposed on
 13 small businesses and other small entities unneces-
 14 sary and disproportionately burdensome demands,
 15 including legal, accounting, and consulting costs,
 16 thereby threatening the viability of small entities
 17 and the ability of small entities to compete and cre-
 18 ate new jobs in a global marketplace.

1 (4) Since 1980, Federal agencies have been re-
2 quired to recognize and take account of the dif-
3 ferences in the scale and resources of regulated enti-
4 ties, but in many instances have failed to do so.

5 (5) In 2009, there were nearly 70,000 pages in
6 the Federal Register, and, according to research by
7 the Office of Advocacy of the Small Business Admin-
8 istration, the annual cost of Federal regulations to-
9 tals \$1,750,000,000,000. Small firms bear a dis-
10 proportionate burden, paying approximately 36 per-
11 cent more per employee than larger firms in annual
12 regulatory compliance costs.

13 (6) All agencies in the Federal Government
14 should fully consider the costs, including indirect
15 economic impacts and the potential for job creation
16 and job loss, of proposed rules, periodically review
17 existing regulations to determine their impact on
18 small entities, and repeal regulations that are unnec-
19 essarily duplicative or have outlived their stated pur-
20 pose.

21 (7) It is the intention of Congress to amend
22 chapter 6 of title 5, United States Code, to ensure
23 that all impacts, including foreseeable indirect ef-
24 fects, of proposed and final rules are considered by
25 agencies during the rulemaking process and that the

1 agencies assess a full range of alternatives that will
2 limit adverse economic consequences, enhance eco-
3 nomic benefits, and fully address potential job cre-
4 ation or job loss.

5 **SEC. 3. INCLUDING INDIRECT ECONOMIC IMPACT IN**
6 **SMALL ENTITY ANALYSES.**

7 Section 601 of title 5, United States Code, is amend-
8 ed by adding at the end the following:

9 “(9) the term ‘economic impact’ means, with
10 respect to a proposed or final rule—

11 “(A) any direct economic effect of the rule
12 on small entities; and

13 “(B) any indirect economic effect on small
14 entities, including potential job creation or job
15 loss, that is reasonably foreseeable and that re-
16 sults from the rule, without regard to whether
17 small entities are directly regulated by the
18 rule.”.

19 **SEC. 4. JUDICIAL REVIEW TO ALLOW SMALL ENTITIES TO**
20 **CHALLENGE PROPOSED REGULATIONS.**

21 Section 611(a) of title 5, United States Code, is
22 amended—

23 (1) in paragraph (1), by inserting “603,” after
24 “601,”;

1 (2) in paragraph (2), by inserting “603,” after
2 “601,”;

3 (3) by striking paragraph (3) and inserting the
4 following:

5 “(3) A small entity may seek such review during the
6 1-year period beginning on the date of final agency action,
7 except that—

8 “(A) if a provision of law requires that an ac-
9 tion challenging a final agency action be commenced
10 before the expiration of 1 year, the lesser period
11 shall apply to an action for judicial review under this
12 section; and

13 “(B) in the case of noncompliance with section
14 603 or 605(b), a small entity may seek judicial re-
15 view of agency compliance with such section before
16 the close of the public comment period.”; and

17 (4) in paragraph (4)—

18 (A) in subparagraph (A), by striking “,
19 and” and inserting a semicolon;

20 (B) in subparagraph (B), by striking the
21 period and inserting “; or”; and

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

23 “(C) issuing an injunction prohibiting an agen-
24 cy from taking any agency action with respect to a

1 rulemaking until that agency is in compliance with
2 the requirements of section 603 or 605.”.

3 **SEC. 5. PERIODIC REVIEW AND SUNSET OF EXISTING**
4 **RULES.**

5 Section 610 of title 5, United States Code, is amend-
6 ed to read as follows:

7 **“§ 610. Periodic review of rules**

8 “(a)(1) Not later than 180 days after the date of en-
9 actment of the Small Business Regulatory Freedom Act
10 of 2011, each agency shall establish a plan for the periodic
11 review of—

12 “(A) each rule issued by the agency that the
13 head of the agency determines has a significant eco-
14 nomic impact on a substantial number of small enti-
15 ties, without regard to whether the agency per-
16 formed an analysis under section 604 with respect to
17 the rule; and

18 “(B) any small entity compliance guide required
19 to be published by the agency under section 212 of
20 the Small Business Regulatory Enforcement Fair-
21 ness Act of 1996 (5 U.S.C. 601 note).

22 “(2) In reviewing rules and small entity compliance
23 guides under paragraph (1), the agency shall determine
24 whether the rules and guides should—

1 “(A) be amended or rescinded, consistent with
2 the stated objectives of applicable statutes, to mini-
3 mize any significant adverse economic impacts on a
4 substantial number of small entities (including an
5 estimate of any adverse impacts on job creation and
6 employment by small entities); or

7 “(B) continue in effect without change.

8 “(3) Each agency shall publish the plan established
9 under paragraph (1) in the Federal Register and on the
10 Web site of the agency.

11 “(4) An agency may amend the plan established
12 under paragraph (1) at any time by publishing the amend-
13 ment in the Federal Register and on the Web site of the
14 agency.

15 “(b)(1) Each plan established under subsection (a)
16 shall provide for—

17 “(A) the review of each rule and small entity
18 compliance guide described in subsection (a)(1) in
19 effect on the date of enactment of the Small Busi-
20 ness Regulatory Freedom Act of 2011—

21 “(i) not later than 8 years after the date
22 of publication of the plan in the Federal Reg-
23 ister; and

24 “(ii) every 8 years thereafter; and

1 “(B) the review of each rule adopted and small
2 entity compliance guide described in subsection
3 (a)(1) that is published after the date of enactment
4 of the Small Business Regulatory Freedom Act of
5 2011—

6 “(i) not later than 8 years after the publi-
7 cation of the final rule in the Federal Register;
8 and

9 “(ii) every 8 years thereafter.

10 “(2)(A) If an agency determines that the review of
11 the rules and guides described in paragraph (1)(A) cannot
12 be completed before the date described in paragraph
13 (1)(A)(i), the agency—

14 “(i) shall publish a statement in the Federal
15 Register certifying that the review cannot be com-
16 pleted; and

17 “(ii) may extend the period for the review of
18 the rules and guides described in paragraph (1)(A)
19 for a period of not more than 2 years, if the agency
20 publishes notice of the extension in the Federal Reg-
21 ister.

22 “(B) An agency shall transmit to the Chief Counsel
23 for Advocacy of the Small Business Administration and
24 Congress notice of any statement or notice described in
25 subparagraph (A).

1 “(c) In reviewing rules under the plan required under
2 subsection (a), the agency shall consider—

3 “(1) the continued need for the rule;

4 “(2) the nature of complaints received by the
5 agency from small entities concerning the rule;

6 “(3) comments by the Regulatory Enforcement
7 Ombudsman and the Chief Counsel for Advocacy of
8 the Small Business Administration;

9 “(4) the complexity of the rule;

10 “(5) the extent to which the rule overlaps, du-
11 plicates, or conflicts with other Federal rules and,
12 unless the head of the agency determines it to be in-
13 feasible, State and local rules;

14 “(6) the contribution of the rule to the cumu-
15 lative economic impact of all Federal rules on the
16 class of small entities affected by the rule, unless the
17 head of the agency determines that such a calcula-
18 tion cannot be made;

19 “(7) the length of time since the rule has been
20 evaluated, or the degree to which technology, eco-
21 nomic conditions, or other factors have changed in
22 the area affected by the rule; and

23 “(8) the impact of the rule, including—

24 “(A) the estimated number of small enti-
25 ties to which the rule will apply;

1 “(B) the estimated number of small entity
2 jobs that will be lost or created due to the rule;
3 and

4 “(C) the projected reporting, record-
5 keeping, and other compliance requirements of
6 the proposed rule, including—

7 “(i) an estimate of the classes of small
8 entities that will be subject to the require-
9 ment; and

10 “(ii) the type of professional skills
11 necessary for preparation of the report or
12 record.

13 “(d)(1) Each agency shall submit an annual report
14 regarding the results of the review required under sub-
15 section (a) to—

16 “(A) Congress; and

17 “(B) in the case of an agency that is not an
18 independent regulatory agency (as defined in section
19 3502(5) of title 44), the Administrator of the Office
20 of Information and Regulatory Affairs of the Office
21 of Management and Budget.

22 “(2) Each report required under paragraph (1) shall
23 include a description of any rule or guide with respect to
24 which the agency made a determination of infeasibility
25 under paragraph (5) or (6) of subsection (c), together with

1 a detailed explanation of the reasons for the determina-
2 tion.

3 “(e) Each agency shall publish in the Federal Reg-
4 ister and on the Web site of the agency a list of the rules
5 and small entity compliance guides to be reviewed under
6 the plan required under subsection (a) that includes—

7 “(1) a brief description of each rule or guide;

8 “(2) for each rule, the reason why the head of
9 the agency determined that the rule has a significant
10 economic impact on a substantial number of small
11 entities (without regard to whether the agency had
12 prepared a final regulatory flexibility analysis for the
13 rule); and

14 “(3) a request for comments from the public,
15 the Chief Counsel for Advocacy of the Small Busi-
16 ness Administration, and the Regulatory Enforce-
17 ment Ombudsman concerning the enforcement of the
18 rules or publication of the guides.

19 “(f)(1) With respect to each agency, not later than
20 6 months after each date described in subsection (b)(1),
21 the Chief Counsel for Advocacy of the Small Business Ad-
22 ministration shall determine whether the agency has com-
23 pleted the review required under subsection (b).

24 “(2) If, after a review under paragraph (1), the Chief
25 Counsel for Advocacy of the Small Business Administra-

1 tion determines that an agency has failed to complete the
 2 review required under subsection (b), each rule issued by
 3 the agency that the head of the agency determined under
 4 subsection (a) has a significant economic impact on a sub-
 5 stantial number of small entities shall immediately cease
 6 to have effect.”.

7 **SEC. 6. REQUIRING SMALL BUSINESS REVIEW PANELS FOR**
 8 **ALL AGENCIES.**

9 (a) AGENCIES.—Section 609 of title 5, United States
 10 Code, is amended—

11 (1) in subsection (b), by striking “a covered
 12 agency” each place it appears and inserting “an
 13 agency”; and

14 (2) in subsection (e)(1), by striking “the cov-
 15 ered agency” and inserting “the agency”.

16 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

17 (1) SECTION 609.—Section 609 of title 5,
 18 United States Code, is amended—

19 (A) by striking subsection (d), as amended
 20 by section 1100G(a) of Public Law 111–203
 21 (124 Stat. 2112); and

22 (B) by redesignating subsection (e) as sub-
 23 section (d).

24 (2) SECTION 603.—Section 603(d) of title 5,
 25 United States Code, as added by section 1100G(b)

1 of Public Law 111–203 (124 Stat. 2112), is amend-
2 ed—

3 (A) in paragraph (1), by striking “a cov-
4 ered agency, as defined in section 609(d)(2)”
5 and inserting “the Bureau of Consumer Finan-
6 cial Protection”; and

7 (B) in paragraph (2), by striking “A cov-
8 ered agency, as defined in section 609(d)(2),”
9 and inserting “The Bureau of Consumer Finan-
10 cial Protection”.

11 (3) SECTION 604.—Section 604(a) of title 5,
12 United States Code, is amended—

13 (A) by redesignating the second paragraph
14 designated as paragraph (6) (relating to cov-
15 ered agencies), as added by section 1100G(c)(3)
16 of Public Law 111–203 (124 Stat. 2113), as
17 paragraph (7); and

18 (B) in paragraph (7), as so redesignated—

19 (i) by striking “a covered agency, as
20 defined in section 609(d)(2)” and inserting
21 “the Bureau of Consumer Financial Pro-
22 tection”; and

23 (ii) by striking “the agency” and in-
24 serting “the Bureau”.

1 (4) EFFECTIVE DATE.—The amendments made
2 by this subsection shall take effect on the date of en-
3 actment of this Act and apply on and after the des-
4 ignated transfer date established under section 1062
5 of Public Law 111–203 (12 U.S.C. 5582).

6 **SEC. 7. EXPANDING THE REGULATORY FLEXIBILITY ACT TO**
7 **AGENCY GUIDANCE DOCUMENTS.**

8 Section 601(2) of title 5, United States Code, is
9 amended by inserting after “public comment” the fol-
10 lowing: “and any significant guidance document, as de-
11 fined in the Office of Management and Budget Final Bul-
12 letin for Agency Good Guidance Procedures (72 Fed. Reg.
13 3432; January 25, 2007)”.

14 **SEC. 8. REQUIRING THE INTERNAL REVENUE SERVICE TO**
15 **CONSIDER SMALL ENTITY IMPACT.**

16 (a) IN GENERAL.—Section 603(a) of title 5, United
17 States Code, is amended, in the fifth sentence, by striking
18 “but only” and all that follows through the period at the
19 end and inserting “but only to the extent that such inter-
20 pretative rules, or the statutes upon which such rules are
21 based, impose on small entities a collection of information
22 requirement or a recordkeeping requirement.”.

23 (b) DEFINITIONS.—Section 601 of title 5, United
24 States Code, as amended by section 3 of this Act, is
25 amended—

1 (1) in paragraph (6), by striking “and” at the
2 end; and

3 (2) by striking paragraphs (7) and (8) and in-
4 serting the following:

5 “(7) the term ‘collection of information’ has the
6 meaning given that term in section 3502(3) of title
7 44;

8 “(8) the term ‘recordkeeping requirement’ has
9 the meaning given that term in section 3502(13) of
10 title 44; and”.

11 **SEC. 9. MITIGATING PENALTIES ON SMALL ENTITIES.**

12 Section 223 of the Small Business Regulatory En-
13 forcement Fairness Act of 1996 (Public Law 104–121;
14 110 Stat. 862) is amended by adding at the end the fol-
15 lowing:

16 “(d) REVIEW OF POLICIES AND PROGRAMS.—

17 “(1) REVIEW REQUIRED.—Not later than 6
18 months after the date of enactment of this sub-
19 section, and every 2 years thereafter, each agency
20 regulating the activities of small entities shall review
21 the policy or program established by the agency
22 under subsection (a) and make any modifications to
23 the policy or program necessary to comply with the
24 requirements under this section.

1 “(2) REPORT.—Not later than 6 months after
2 the date of enactment of this subsection, and every
3 2 years thereafter, each agency described in para-
4 graph (1) shall submit a report on the review and
5 modifications required under paragraph (1) to—

6 “(A) the Committee on Small Business
7 and Entrepreneurship and the Committee on
8 Homeland Security and Governmental Affairs
9 of the Senate; and

10 “(B) the Committee on Small Business
11 and the Committee on the Judiciary of the
12 House of Representatives.”.

13 **SEC. 10. REQUIRING MORE DETAILED SMALL ENTITY ANAL-**
14 **YSES.**

15 (a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—
16 Section 603 of title 5, United States Code, as amended
17 by section 1100G(b) of Public Law 111–203 (124 Stat.
18 2112), is amended—

19 (1) by striking subsection (b) and inserting the
20 following:

21 “(b) Each initial regulatory flexibility analysis re-
22 quired under this section shall contain a detailed state-
23 ment—

24 “(1) describing the reasons why action by the
25 agency is being considered;

1 “(2) describing the objectives of, and legal basis
2 for, the proposed rule;

3 “(3) estimating the number and type of small
4 entities to which the proposed rule will apply;

5 “(4) describing the projected reporting, record-
6 keeping, and other compliance requirements of the
7 proposed rule, including an estimate of the classes of
8 small entities which will be subject to the require-
9 ment and the type of professional skills necessary
10 for preparation of the report and record;

11 “(5) describing all relevant Federal rules which
12 may duplicate, overlap, or conflict with the proposed
13 rule, or the reasons why such a description could not
14 be provided; and

15 “(6) estimating the additional cumulative eco-
16 nomic impact of the proposed rule on small entities,
17 including job creation and employment by small enti-
18 ties, beyond that already imposed on the class of
19 small entities by the agency, or the reasons why
20 such an estimate is not available.”; and

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

22 “(e) An agency shall notify the Chief Counsel for Ad-
23 vocacy of the Small Business Administration of any draft
24 rules that may have a significant economic impact on a
25 substantial number of small entities—

1 “(1) when the agency submits a draft rule to
2 the Office of Information and Regulatory Affairs of
3 the Office of Management and Budget under Execu-
4 tive Order 12866, if that order requires the submis-
5 sion; or

6 “(2) if no submission to the Office of Informa-
7 tion and Regulatory Affairs is required—

8 “(A) a reasonable period before publication
9 of the rule by the agency; and

10 “(B) in any event, not later than 3 months
11 before the date on which the agency publishes
12 the rule.”.

13 (b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

14 (1) IN GENERAL.—Section 604(a) of title 5,
15 United States Code, is amended—

16 (A) by inserting “detailed” before “de-
17 scription” each place it appears;

18 (B) in paragraph (2)—

19 (i) by inserting “detailed” before
20 “statement” each place it appears; and

21 (ii) by inserting “(or certification of
22 the proposed rule under section 605(b))”
23 after “initial regulatory flexibility anal-
24 ysis”;

1 (C) in paragraph (4), by striking “an ex-
2 planation” and inserting “a detailed expla-
3 nation”; and

4 (D) in paragraph (6) (relating to a de-
5 scription of steps taken to minimize significant
6 economic impact), as added by section 1601 of
7 the Small Business Jobs Act of 2010 (Public
8 Law 111–240; 124 Stat. 2251), by inserting
9 “detailed” before “statement”.

10 (2) PUBLICATION OF ANALYSIS ON WEB SITE,
11 ETC.—Section 604(b) of title 5, United States Code,
12 is amended to read as follows:

13 “(b) The agency shall—

14 “(1) make copies of the final regulatory flexi-
15 bility analysis available to the public, including by
16 publishing the entire final regulatory flexibility anal-
17 ysis on the Web site of the agency; and

18 “(2) publish in the Federal Register the final
19 regulatory flexibility analysis, or a summary of the
20 analysis that includes the telephone number, mailing
21 address, and address of the Web site where the com-
22 plete final regulatory flexibility analysis may be ob-
23 tained.”.

1 (c) CROSS-REFERENCES TO OTHER ANALYSES.—
2 Section 605(a) of title 5, United States Code, is amended
3 to read as follows:

4 “(a) A Federal agency shall be deemed to have satis-
5 fied a requirement regarding the content of a regulatory
6 flexibility agenda or regulatory flexibility analysis under
7 section 602, 603, or 604, if the Federal agency provides
8 in the agenda or regulatory flexibility analysis a cross-ref-
9 erence to the specific portion of an agenda or analysis that
10 is required by another law and that satisfies the require-
11 ment under section 602, 603, or 604.”.

12 (d) CERTIFICATIONS.—Section 605(b) of title 5,
13 United States Code, is amended, in the second sentence,
14 by striking “statement providing the factual” and insert-
15 ing “detailed statement providing the factual and legal”.

16 (e) QUANTIFICATION REQUIREMENTS.—Section 607
17 of title 5, United States Code, is amended to read as fol-
18 lows:

19 **“§ 607. Quantification requirements**

20 “In complying with sections 603 and 604, an agency
21 shall provide—

22 “(1) a quantifiable or numerical description of
23 the effects of the proposed or final rule, including an
24 estimate of the potential for job creation or job loss,
25 and alternatives to the proposed or final rule; or

1 “(2) a more general descriptive statement re-
2 garding the potential for job creation or job loss and
3 a detailed statement explaining why quantification
4 under paragraph (1) is not practicable or reliable.”.

5 **SEC. 11. ENSURING THAT AGENCIES CONSIDER SMALL EN-**
6 **TITY IMPACT DURING THE RULEMAKING**
7 **PROCESS.**

8 Section 605(b) of title 5, United States Code, is
9 amended—

10 (1) by inserting “(1)” after “(b)”; and

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

12 “(2) If, after publication of the certification required
13 under paragraph (1), the head of the agency determines
14 that there will be a significant economic impact on a sub-
15 stantial number of small entities, the agency shall comply
16 with the requirements of section 603 before the publica-
17 tion of the final rule, by—

18 “(A) publishing an initial regulatory flexibility
19 analysis for public comment; or

20 “(B) re-proposing the rule with an initial regu-
21 latory flexibility analysis.

22 “(3) The head of an agency may not make a certifi-
23 cation relating to a rule under this subsection, unless the
24 head of the agency has determined—

1 “(A) the average cost of the rule for small enti-
2 ties affected or reasonably presumed to be affected
3 by the rule;

4 “(B) the number of small entities affected or
5 reasonably presumed to be affected by the rule; and

6 “(C) the number of affected small entities for
7 which that cost will be significant.

8 “(4) Before publishing a certification and a state-
9 ment providing the factual basis for the certification under
10 paragraph (1), the head of an agency shall—

11 “(A) transmit a copy of the certification and
12 statement to the Chief Counsel for Advocacy of the
13 Small Business Administration; and

14 “(B) consult with the Chief Counsel for Advo-
15 cacy of the Small Business Administration on the
16 accuracy of the certification and statement.”.

17 **SEC. 12. QUALIFICATIONS OF THE CHIEF COUNSEL FOR AD-**
18 **VOCACY AND AUTHORITY FOR THE OFFICE**
19 **OF ADVOCACY.**

20 (a) QUALIFICATIONS OF CHIEF COUNSEL FOR ADVO-
21 CACY.—Section 201 of Public Law 94–305 (15 U.S.C.
22 634a) is amended by adding at the end the following:
23 “The Chief Counsel for Advocacy shall be an attorney with
24 business experience and expertise in or knowledge of the
25 regulatory process.”.

1 (b) ADDITIONAL POWERS OF OFFICE OF ADVO-
 2 CACY.—Section 203 of Public Law 94–305 (15 U.S.C.
 3 634e) is amended—

4 (1) in paragraph (5), by striking “and” at the
 5 end;

6 (2) in paragraph (6), by striking the period at
 7 the end and inserting “; and”; and

8 (3) by inserting after paragraph (6) the fol-
 9 lowing:

10 “(7) at the discretion of the Chief Counsel for
 11 Advocacy, comment on regulatory action by an agen-
 12 cy that affects small businesses, without regard to
 13 whether the agency is required to file a notice of
 14 proposed rulemaking under section 553 of title 5,
 15 United States Code, with respect to the action.”.

16 **SEC. 13. TECHNICAL AND CONFORMING AMENDMENTS.**

17 (a) **HEADING.**—Section 605 of title 5, United States
 18 Code, is amended in the section heading by striking
 19 “**Avoidance**” and all that follows and inserting the fol-
 20 lowing: “**Incorporations by reference and cer-**
 21 **tification.**”.

22 (b) **TABLE OF SECTIONS.**—The table of sections for
 23 chapter 6 of title 5, United States Code, is amended—

24 (1) by striking the item relating to section 605
 25 and inserting the following:

“605. Incorporations by reference and certifications.”;

1 and

2 (2) by striking the item relating to section 607

3 inserting the following:

“607. Quantification requirements.”.

○