

## Union Calendar No. 7

115TH CONGRESS  
1ST SESSION

# H. R. 1009

**[Report No. 115–19, Part I]**

To amend title 44, United States Code, to require the Administrator of the Office of Information and Regulatory Affairs to review regulations, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2017

Mr. MITCHELL (for himself, Mr. MEADOWS, and Mr. PALMER) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, 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

FEBRUARY 27, 2017

Additional sponsors: Mr. SESSIONS and Mr. WALBERG

FEBRUARY 27, 2017

Reported from the Committee on Oversight and Government Reform

FEBRUARY 27, 2017

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

# **A BILL**

To amend title 44, United States Code, to require the Administrator of the Office of Information and Regulatory Affairs to review regulations, 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 “OIRA Insight, Reform,  
5       and Accountability Act”.

6       **SEC. 2. OFFICE OF INFORMATION AND REGULATORY AF-**  
7               **FAIRS.**

8       (a) AMENDMENT.—Subchapter I of chapter 35 of  
9       title 44, United States Code, is amended by adding at the  
10      end the following new sections:

11     **“§ 3522. Office of Information and Regulatory Affairs**  
12               **Regulatory Working Group; regulatory**  
13               **plan; Unified Agenda**

14     “(a) REGULATORY WORKING GROUP.—

15               “(1) ESTABLISHMENT; MEMBERS.—The Admin-  
16       istrator of the Office of Information and Regulatory  
17       Affairs shall convene a working group to be known  
18       as the Regulatory Working Group, whose members  
19       shall consist of the following:

20               “(A) The Administrator.

21               “(B) Representatives selected by the head  
22       of each agency that the Administrator deter-  
23       mines to have significant domestic regulatory  
24       responsibility.

1           “(C) Other executive branch officials as  
2           designated by the Administrator.

3           “(2) CHAIR.—The Chair of the Regulatory  
4           Working Group shall be the Administrator, who  
5           shall periodically advise Congress on the activities of  
6           the Regulatory Working Group.

7           “(3) PURPOSE.—The Regulatory Working  
8           Group shall serve as a forum to assist agencies in  
9           identifying and analyzing important regulatory  
10          issues, including, at a minimum—

11           “(A) the development of innovative regu-  
12          latory techniques;

13           “(B) the methods, efficacy, and utility of  
14          comparative risk assessment in regulatory deci-  
15          sionmaking; and

16           “(C) the development of streamlined regu-  
17          latory approaches for small businesses and  
18          other entities.

19           “(4) MEETINGS.—The Regulatory Working  
20          Group shall meet not less than quarterly and may  
21          meet as a whole or in subgroups of members with  
22          an interest in particular issues or subject areas.

23           “(5) ANALYTICAL STUDIES.—To inform the  
24          discussion of the Regulatory Working Group, the  
25          Regulatory Working Group may request analytical

1 studies and reports by the Office of Information and  
2 Regulatory Affairs, the Administrative Conference of  
3 the United States, or any other agency.

4 “(b) REGULATORY PLAN.—

5 “(1) IN GENERAL.—

6 “(A) DEADLINE FOR AND DESCRIPTION OF  
7 REGULATORY PLAN.—Not later than June 1 of  
8 each year, the head of each agency shall ap-  
9 prove and submit to the Administrator a regu-  
10 latory plan that includes each significant regu-  
11 latory action that the agency reasonably expects  
12 to issue in proposed or final form in the fol-  
13 lowing fiscal year or thereafter and the retro-  
14 spective review described in paragraph (2). The  
15 regulatory plan shall also contain, at a min-  
16 imum, the following:

17 “(i) A statement of the regulatory ob-  
18 jectives and priorities of the agency.

19 “(ii) A summary of each planned sig-  
20 nificant regulatory action including, to the  
21 extent possible, alternatives to be consid-  
22 ered and preliminary estimates of the an-  
23 ticipated costs and benefits of such action.

24 “(iii) A summary of the legal basis for  
25 each such action, including whether any

1 aspect of the action is required by statute  
2 or court order.

3 “(iv) A statement of the need for each  
4 such action and, if applicable, how the ac-  
5 tion will reduce risk to public health, safe-  
6 ty, or the environment, as well as how the  
7 magnitude of the risk addressed by the ac-  
8 tion relates to any other risk within the ju-  
9 risdiction of the agency.

10 “(v) The schedule for each such ac-  
11 tion, including a statement of any applica-  
12 ble statutory or judicial deadline.

13 “(vi) The name, email address, and  
14 telephone number of a knowledgeable agen-  
15 cy employee the public may contact for ad-  
16 ditional information about each such ac-  
17 tion.

18 “(B) CIRCULATION OF REGULATORY  
19 PLAN.—Not later than 10 days after receiving  
20 the regulatory plan under subparagraph (A),  
21 the Administrator shall circulate the regulatory  
22 plan to any other agency the Administrator de-  
23 termines may be affected by the plan.

24 “(C) AGENCY NOTIFICATION TO OIRA OF  
25 CONFLICTING SIGNIFICANT REGULATORY AC-

1 TIONS.—The head of an agency shall promptly  
2 notify the Administrator in writing if any  
3 planned significant regulatory action in the reg-  
4 ulatory plan of another agency may conflict  
5 with the policy or action taken or planned by  
6 that agency. The Administrator shall forward  
7 any notification received under this subpara-  
8 graph to the other agency involved.

9 “(D) NOTIFICATION OF CONFLICTING SIG-  
10 NIFICANT REGULATORY ACTIONS.—The Admin-  
11 istrator shall notify the head of an agency in  
12 writing if any planned significant regulatory ac-  
13 tion conflicts with any policy or action taken or  
14 planned by another agency.

15 “(E) REQUIREMENT TO PUBLISH IN UNI-  
16 FIED AGENDA.—Each regulatory plan sub-  
17 mitted by the head of an agency under subpara-  
18 graph (A) shall be included in the October pub-  
19 lication of the Unified Agenda described under  
20 subsection (c).

21 “(2) RETROSPECTIVE REVIEW.—

22 “(A) LIST OF OUTDATED REGULATIONS.—  
23 The head of each agency shall include in the  
24 regulatory plan submitted under paragraph  
25 (1)(A) a list of regulations that have been iden-

1           tified by the agency (including any comments  
2           submitted to the agency) as unjustified, unnec-  
3           essary, duplicative of other regulations or laws,  
4           inappropriately burdensome, or otherwise rec-  
5           ommended for removal.

6           “(B) DESCRIPTION OF RETROSPECTIVE  
7           REVIEW.—The head of each agency shall in-  
8           clude in the regulatory plan submitted under  
9           paragraph (1)(A) a description of any program  
10          or other effort to review existing regulations to  
11          determine whether any such regulations should  
12          be modified or eliminated in order to increase  
13          the effectiveness in achieving the regulatory ob-  
14          jectives of the agency or to reduce the burden  
15          of regulations. The agency shall include any  
16          statutory requirements that require the agency  
17          to promulgate or continue to impose regulations  
18          that the agency believes are unnecessary or out-  
19          dated by reason of changed circumstances.

20          “(C) OIRA COORDINATED REVIEW.—The  
21          Administrator shall work with interested enti-  
22          ties and agencies, including through the proc-  
23          esses established under subsection (d), to review  
24          the list of regulations identified under subpara-  
25          graph (A) and such entities may assist OIRA



1 and the agencies with identifying regulations or  
2 groups of regulations that—

3 “(i) impose significant or unique bur-  
4 dens on governmental entities and that are  
5 no longer justified; or

6 “(ii) affect a particular group, indus-  
7 try, or sector of the economy.

8 “(c) UNIFIED AGENDA.—

9 “(1) SUBMISSION OF REGULATIONS UNDER DE-  
10 VELOPMENT OR REVIEW.—Not later than April 1  
11 and October 1 of each year, the head of each agency  
12 shall submit to the Administrator an agenda of each  
13 regulation under development or review in accord-  
14 ance with any guidance issued under this section.  
15 Each agenda shall include, to the extent practicable,  
16 the following:

17 “(A) For each regulation—

18 “(i) a regulation identifier number;

19 “(ii) a brief summary of the regula-  
20 tion;

21 “(iii) a citation to the legal authority  
22 to issue the regulation;

23 “(iv) any legal deadline for the  
24 issuance of the regulation;

1 “(v) the name and phone number for  
2 a knowledgeable agency employee; and

3 “(vi) the stage of review for issuing  
4 the regulation.

5 “(B) For each regulation expected to be  
6 promulgated within the following 18 months—

7 “(i) a determination of whether the  
8 regulation is expected to be a significant  
9 regulatory action or an economically sig-  
10 nificant regulatory action; and

11 “(ii) any available analysis or quan-  
12 tification of the expected costs or benefits.

13 “(C) For any regulation included in the  
14 immediately previous agenda, an explanation of  
15 why the regulation is no longer included.

16 “(2) PUBLICATION OF UNIFIED AGENDA RE-  
17 QUIRED.—Not later than April 15 and October 15  
18 of each year, the Administrator shall compile and  
19 publish online each agenda received under paragraph  
20 (1) (to be known as the Unified Agenda).

21 “(3) GUIDANCE.—

22 “(A) IN GENERAL.—The Administrator  
23 shall issue guidance for agencies on the manner  
24 of submission under this subsection and on  
25 meeting the requirements of this subsection, in-

cluding a standard definition for each stage of review and any other definition that would assist the public in understanding the different terms used by agencies to submit the agenda required under paragraph (1).

“(B) UPDATES.—The Administrator shall periodically review compliance with this section and issue guidance or recommendations to assist agencies in complying with this section.

“(d) COORDINATION WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS AND THE PUBLIC.—

“(1) STATE, LOCAL, AND TRIBAL GOVERNMENTS.—The Administrator shall meet not less than quarterly with representatives of State, local, and tribal governments to identify both existing and proposed regulations that may uniquely or significantly affect those government entities.

“(2) PUBLIC.—The Administrator shall periodically convene conferences with representatives of businesses, nongovernmental organizations, and the public to discuss regulatory issues of common concern.

“(e) BEST PRACTICES.—The Administrator shall, in consultation with the Regulatory Working Group and the entities described in subsection (d), periodically develop

1 advice and guidance for agencies on best practices of the  
2 development of regulations.

3 **“§ 3523. OIRA coordinated review of significant regu-**  
4 **latory actions**

5 “(a) OIRA REVIEW.—

6 “(1) IN GENERAL.—The Administrator shall  
7 conduct a Governmentwide coordinated review of  
8 significant regulatory actions to ensure that such  
9 regulations are consistent with applicable law and  
10 that a regulatory action by one agency does not con-  
11 flict with a policy or action taken or planned by an-  
12 other agency.

13 “(2) PERIODIC AGENCY SUBMISSION OF  
14 PLANNED REGULATORY ACTIONS.—The head of each  
15 agency shall provide to the Administrator, at such  
16 time and in such a manner as determined by the Ad-  
17 ministrator, a list of each planned regulatory action  
18 with an identification of whether each such regu-  
19 latory action is a significant regulatory action.

20 “(3) REVIEW OF SIGNIFICANT REGULATORY AC-  
21 TION REQUIRED.—

22 “(A) IN GENERAL.—The Administrator  
23 shall make a determination of whether any  
24 planned regulatory action submitted under this  
25 section is a significant regulatory action and

1           shall review each such significant regulatory ac-  
2           tion in accordance with this section.

3           “(B) NOT SUBJECT TO REVIEW.—Any  
4           planned regulatory action determined by the  
5           Administrator not to be a significant regulatory  
6           action is not subject to review under this sec-  
7           tion.

8           “(C) NOTIFICATION REQUIRED.—Not later  
9           than 10 days after a planned regulatory action  
10          has been determined to be a significant regu-  
11          latory action, the Administrator shall notify the  
12          head of the relevant agency of such determina-  
13          tion.

14          “(4) WAIVER OF REVIEW FOR SIGNIFICANT  
15          REGULATORY ACTION.—The Administrator—

16               “(A) may waive review of any planned reg-  
17               ulatory action designated as a significant regu-  
18               latory action; and

19               “(B) shall publish online a detailed written  
20               explanation of any such waiver.

21          “(b) AGENCY CONSULTATION WITH OIRA.—

22               “(1) IN GENERAL.—An agency may consult  
23               with OIRA at any time on any regulatory action.

24               “(2) REGULATION IDENTIFIER NUMBER.—The  
25               head of an agency shall make every effort to obtain

1 a regulation identifier number for the regulatory ac-  
2 tion that is the subject of the consultation before  
3 consulting with OIRA.

4 “(3) CONSULTATION INFORMATION RE-  
5 QUIRED.—If the head of an agency is unable to ob-  
6 tain the regulation identifier number as described in  
7 paragraph (2), the head of the agency shall provide  
8 the regulation identifier number to OIRA as soon as  
9 the number is obtained with a list of any previous  
10 interactions with OIRA relating to the regulatory ac-  
11 tion that is the subject of the consultation.

12 “(c) AGENCY SUBMISSION OF SIGNIFICANT REGU-  
13 LATORY ACTION FOR REVIEW.—Before issuing a signifi-  
14 cant regulatory action, the head of an agency shall submit  
15 the significant regulatory action to the Administrator for  
16 review and shall include the following:

17 “(1) The text of the significant regulatory ac-  
18 tion.

19 “(2) A detailed description of the need for the  
20 significant regulatory action.

21 “(3) An explanation of how the significant reg-  
22 ulatory action will meet the identified need.

23 “(4) An assessment of potential costs and bene-  
24 fits of the significant regulatory action.

1           “(5) An explanation of the manner in which the  
2           significant regulatory action is consistent with a  
3           statutory mandate and avoids undue interference  
4           with State, local, and tribal government functions.

5           “(6) For an economically significant regulatory  
6           action, if any of the following was developed during  
7           the decisionmaking process of the agency:

8                   “(A) An assessment of and quantification  
9                   of costs and benefits of the significant regu-  
10                  latory action.

11                  “(B) An assessment of and quantification  
12                  of costs and benefits of potentially effective and  
13                  feasible alternatives, including any underlying  
14                  analysis.

15                  “(C) An explanation of why the planned  
16                  significant regulatory action is preferable to any  
17                  identified potential alternatives.

18           “(d) DEADLINES FOR REVIEW.—

19                   “(1) REVIEW COORDINATION.—To the extent  
20                   practicable, the head of each agency shall work with  
21                   the Administrator to establish a mutually agreeable  
22                   date on which to submit a significant regulatory ac-  
23                   tion for review.

24                   “(2) EXPEDITED REVIEW.—When an agency is  
25                   obligated by law to issue a significant regulatory ac-

1       tion before complying with the provisions of this sec-  
2       tion, the head of the agency shall notify the Admin-  
3       istrator as soon as possible. To the extent prac-  
4       ticable, OIRA and the agency shall comply with the  
5       provisions of this section.

6               “(3) 10-DAY REVIEW.—In the case of a signifi-  
7       cant regulatory action that is a notice of inquiry, ad-  
8       vance notice of proposed rulemaking, or other pre-  
9       liminary regulatory action prior to a notice of pro-  
10      posed rulemaking, within 10 business days after the  
11      date of submission of the such action to the Admin-  
12      istrator, OIRA shall complete the review.

13              “(4) 90-DAY REVIEW.—

14              “(A) IN GENERAL.—Except as provided in  
15      subparagraph (B), for any other significant reg-  
16      ulatory action not described in paragraph (3),  
17      within 90 days after the date of submission of  
18      the action, OIRA shall complete the review.

19              “(B) EXCEPTION 45-DAY REVIEW.—If  
20      OIRA has previously reviewed the significant  
21      regulatory action described in subparagraph (A)  
22      and, since that review, there has been no mate-  
23      rial change in the facts and circumstances upon  
24      which the significant regulatory action is based,



1           OIRA shall complete the review within 45 days  
2           after submission of the action.

3           “(5) EXTENSION.—Any review described under  
4           this subsection may be extended for any number of  
5           additional 30-day periods upon written request by  
6           the Administrator or the head of the agency. Such  
7           request shall be granted unless the nonrequesting  
8           party denies the request in writing within 5 days  
9           after receipt of the request for extension.

10          “(6) RETURN.—If the Administrator deter-  
11          mines OIRA is unable to complete a review within  
12          the time period described under this subsection, the  
13          Administrator may return the draft of the signifi-  
14          cant regulatory action to the agency with a written  
15          explanation of why OIRA was unable to complete  
16          the review and what additional information, re-  
17          sources, or time OIRA would need to complete the  
18          review.

19          “(7) WITHDRAWAL.—An agency may withdraw  
20          the regulatory action from OIRA review at any time  
21          prior to the completion of the review.

22          “(e) COMPLIANCE REVIEW.—The Administrator  
23          shall review any significant regulatory action submitted  
24          under subsection (c) to determine the extent to which the  
25          agency—

1           “(1) identified the problem that the significant  
2       regulatory action is designed to address (including,  
3       where applicable, the failures of private markets or  
4       public institutions that warrant new agency action);

5           “(2) assessed the significance of the problem  
6       the regulatory action is designed to address;

7           “(3) examined whether existing regulations or  
8       laws have created or contributed to the problem that  
9       the regulatory action is designed to correct and  
10      whether those regulations or laws should be modified  
11      to achieve the intended goal more effectively;

12          “(4) identified and assessed available alter-  
13      natives to direct regulation, including providing eco-  
14      nomic incentives to encourage desired behaviors,  
15      such as user fees or marketable permits, or pro-  
16      viding information upon which choices can be made  
17      by the public;

18          “(5) considered, to the extent reasonable, the  
19      degree and nature of the risks posed by various sub-  
20      stances or activities within the jurisdiction of the  
21      agency;

22          “(6) designed the regulatory action to be the  
23      most cost-effective manner to achieve the regulatory  
24      objective;

1           “(7) considered incentives for innovation, con-  
2           sistency, predictability, flexibility, distributive im-  
3           pacts, equity, and the costs of enforcement and com-  
4           pliance by the Government, regulated entities, and  
5           the public;

6           “(8) assessed costs and benefits of the regu-  
7           latory action and made a reasoned determination  
8           that the benefits justify the costs;

9           “(9) used the best reasonably obtainable sci-  
10          entific, technical, economic, and other information  
11          concerning the need for and consequences of the reg-  
12          ulatory action;

13          “(10) identified and assessed alternative forms  
14          of regulation and, to the extent feasible, specified  
15          performance objectives rather than behavior or man-  
16          ner of compliance;

17          “(11) sought comments and suggestions from  
18          appropriate State, local, and tribal officials on any  
19          aspect of the regulatory action that might signifi-  
20          cantly or uniquely affect those governmental entities;

21          “(12) assessed the effects of the regulatory ac-  
22          tion on State, local, and tribal governments, includ-  
23          ing specifically the availability of resources to carry  
24          out the regulatory action, and minimized the bur-  
25          dens that uniquely or significantly affect such gov-

1       ernmental entities, consistent with achieving regu-  
2       latory objectives;

3           “(13) harmonized the regulatory action with  
4       the regulatory and other functions of State, local,  
5       and tribal governments;

6           “(14) avoided conflicts with or duplication of  
7       other existing regulations;

8           “(15) tailored the regulatory action to impose  
9       the least burden on society, including individuals,  
10      businesses of differing sizes, and other entities (in-  
11      cluding small communities and governmental enti-  
12      ties), consistent with obtaining the regulatory objec-  
13      tives, and taking into account, among other things  
14      and to the extent practicable, the costs of cumulative  
15      regulations;

16          “(16) drafted the regulatory action to be simple  
17      and easy to understand, and minimized the potential  
18      for uncertainty and litigation arising from such un-  
19      certainty;

20          “(17) met all applicable Executive order re-  
21      quirements;

22          “(18) met all applicable statutory requirements;  
23      and

24          “(19) complied with all applicable guidance.

1       “(f) QUALITY REVIEW.—For any significant regu-  
2 latory action submitted under subsection (c), OIRA shall  
3 assess the extent to which the agency conducted a mean-  
4 ingful and complete analysis of each of the factors de-  
5 scribed in subsection (e), considering best practices, meth-  
6 ods observed through reviewing other agencies, comments  
7 from stakeholders, and other resources that may improve  
8 the quality of the process.

9       “(g) INTERAGENCY CONSULTATION.—The Adminis-  
10 trator shall identify each agency potentially affected, inter-  
11 ested, or otherwise likely to provide valuable feedback on  
12 a significant regulatory action submitted under subsection  
13 (c) and facilitate a meaningful interagency consultation  
14 process. The Administrator shall—

15           “(1) provide each identified agency with a copy  
16 of the draft regulatory action;

17           “(2) allow each identified agency to review the  
18 draft regulatory action for a sufficient period of  
19 time, not less than 10 business days;

20           “(3) solicit written comments from such agency  
21 and provide those written comments to the submit-  
22 ting agency; and

23           “(4) as appropriate, facilitate conversations be-  
24 tween agencies.

1       “(h) STAKEHOLDER CONSULTATION.—For all sub-  
2       stantive communications between OIRA and individuals  
3       not employed by the executive branch regarding a regu-  
4       latory action submitted to the Administrator for review  
5       under this section, the Administrator shall—

6               “(1) invite the issuing agency to any meeting  
7       between OIRA personnel and individuals not em-  
8       ployed by the executive branch;

9               “(2) not later than 10 business days after re-  
10      ceipt of any written communication submitted by  
11      any individual not employed by the executive branch,  
12      make such communications available to the public  
13      online; and

14              “(3) make available to the public online a log,  
15      which shall be updated daily, of the following infor-  
16      mation:

17                      “(A) The status of each regulatory action.

18                      “(B) A copy of any written communication  
19      submitted by any person not employed by the  
20      executive branch.

21                      “(C) The dates and names of persons in-  
22      volved in any substantive oral communication  
23      and the subject matter discussed during such  
24      communication.

25      “(i) CONCLUSION OF REVIEW.—

1           “(1) PROVISION TO AGENCY.—Upon completion  
2       of the review, the Administrator shall provide the  
3       head of an agency with the results of the OIRA re-  
4       view in writing, including a list of every standard,  
5       Executive order, guidance document, and law re-  
6       viewed for compliance and the results for each.

7           “(2) CHANGES DURING REVIEW PERIOD.—  
8       Within 24 hours after the conclusion of the OIRA  
9       review under this section, the head of the submitting  
10      agency shall provide the Administrator with a red-  
11      line of any changes the agency made to the regu-  
12      latory action during the review period. To the extent  
13      practicable, the agency shall identify any change  
14      made at the suggestion or recommendation of any  
15      other agency, member of the public, or other source.  
16      To the extent practicable, the agency should identify  
17      the source of any such change.

18   **“§ 3524. Public disclosure of regulatory review**

19           “(a) IN GENERAL.—On the earlier of 3 days after  
20   OIRA completes the review of any agency significant regu-  
21   latory action under section 3523, the date on which such  
22   agency publishes the regulatory action in the Federal Reg-  
23   ister, or the date on which the agency announces a deci-  
24   sion not to publish the regulatory action, the Adminis-  
25   trator shall make available to the public online—

3                   “(2) the results of the review provided to the  
4                   agency under section 3523;

“(3) the redline of any changes made by the agency during the course of the review provided under section 3523(i)(2); and

8           “(4) all documents exchanged between OIRA  
9           and the agency during the review.

10       “(b) PLAIN LANGUAGE REQUIREMENT.—All infor-  
11   mation provided to the public shall, to the extent prac-  
12   ticable, be in plain, understandable language.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—

The table of sections at the beginning of chapter 35 of title 44, United States Code, is amended by inserting after the item relating to section 3521 the following new items:

“3522. Office of Information and Regulatory Affairs Regulatory Working Group; regulatory plan; Unified Agenda.

“3523. OIRA coordinated review of significant regulatory actions.

“3524. Public disclosure of regulatory review.”.

(c) DEFINITIONS.—Section 3502 of title 44, United States Code, is amended—

19 (1) in paragraph (13)(D), by striking “; and”  
20 and inserting a semicolon;

(2) in paragraph (14), by striking the period at the end and inserting a semicolon; and



1           (3) by adding at the end the following new  
2 paragraphs:

3           “(15) the term ‘Administrator’ means, unless  
4 otherwise indicated, the Administrator of the Office  
5 of Information and Regulatory Affairs;

6           “(16) the term ‘economically significant regu-  
7 latory action’ means any regulatory action described  
8 under subparagraph (A) or (B) of paragraph (21);

9           “(17) the term ‘OIRA’ means the Office of In-  
10 formation and Regulatory Affairs;

11           “(18) the term ‘regulation’—

12           “(A) means an agency statement of gen-  
13 eral applicability and future effect, which the  
14 agency intends to have the force and effect of  
15 law, that is designed to implement, interpret, or  
16 prescribe law or policy or to describe the proce-  
17 dure or practice requirements of an agency; and

18           “(B) does not include such a statement  
19 if—

20           “(i) issued in accordance with the for-  
21 mal rulemaking provisions of sections 556  
22 and 557 of title 5;

23           “(ii) the statement pertains to a mili-  
24 tary or foreign affairs function of the  
25 United States, other than procurement

1 regulations and regulations involving the  
2 import or export of nondefense articles and  
3 services;

4 “(iii) the statement is limited to an  
5 agency organization, management, or per-  
6 sonnel matters; or

7 “(iv) the statement is exempted as a  
8 regulation by the Administrator;

9 “(19) the term ‘regulation identifier number’  
10 means a unique identification code for regulations,  
11 which is designed to assist tracking regulations  
12 through the course of development;

13 “(20) the term ‘regulatory action’ means any  
14 substantive action by an agency normally published  
15 in the Federal Register that promulgates or is ex-  
16 pected to lead to the promulgation of a final regula-  
17 tion, including notices of inquiry, advance notices of  
18 proposed rulemaking, and notices of proposed rule-  
19 making;

20 “(21) the term ‘significant regulatory action’  
21 means any regulatory action that is likely to result  
22 in a regulation that may—

23 “(A) have an annual effect on the economy  
24 of \$100,000,000 or more;

1           “(B) adversely affect in a material way the  
2           economy, a sector of the economy, productivity,  
3           competition, jobs, the environment, public  
4           health or safety, or State, local, or tribal gov-  
5           ernments or communities;

6           “(C) create a serious inconsistency or oth-  
7           erwise interfere with an action taken or planned  
8           by another agency;

9           “(D) materially alter the budgetary impact  
10          of entitlements, grants, user fees, or loan pro-  
11          grams or the rights and obligations of recipi-  
12          ents therein; or

13          “(E) raise novel legal or policy issues aris-  
14          ing out of legal mandates;

15          “(22) the term ‘small business’ has the mean-  
16          ing given the term ‘small-business concern’ in sec-  
17          tion 3 of the Small Business Act (15 U.S.C. 632);  
18          and

19          “(23) the term ‘State’ means each of the sev-  
20          eral States, the District of Columbia, each territory  
21          or possession of the United States, and each feder-  
22          ally recognized Indian tribe.”.

23          (d) DEADLINE FOR ISSUANCE OF GUIDANCE.—Not  
24          later than 180 days after the date of the enactment of  
25          this Act, the Administrator of the Office of Information

1 and Regulatory Affairs shall issue any guidance required  
2 by section 3522 of title 44, United States Code, as added  
3 by subsection (a).



Union Calendar No. 7

115<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 1009**

[Report No. 115–19, Part I]

**A BILL**

To amend title 44, United States Code, to require the Administrator of the Office of Information and Regulatory Affairs to review regulations, and for other purposes.

FEBRUARY 27, 2017

Reported from the Committee on Oversight and  
Government Reform

FEBRUARY 27, 2017

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