

113TH CONGRESS
1ST SESSION

H. R. 3341

To amend title 5, United States Code, to provide for the consideration of costs and benefits during rule making and for the review of existing rules.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 24, 2013

Mr. KINGSTON introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To amend title 5, United States Code, to provide for the consideration of costs and benefits during rule making and for the review of existing rules.

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 “Verifying Agencies’
5 Lasting Use of Expenditures Act of 2013” or the
6 “VALUE Act of 2013”.

1 **SEC. 2. CONSIDERATION OF COSTS AND BENEFITS DURING**
2 **RULE MAKING.**

3 Chapter 5 of title 5, United States Code, is amended
4 by inserting after section 553 the following:

5 **“§ 553a. Consideration of costs and benefits during**
6 **rule making; review of existing rules.**

7 “(a) This section applies in the case of a rule for
8 which an agency is required to follow the procedures under
9 section 553.

10 “(b) An agency, when making a rule, shall—

11 “(1) clearly identify the nature and source of
12 the problem that the proposed rule is designed to
13 address, as well as assess the significance of that
14 problem, to enable assessment of whether any new
15 rule is warranted;

16 “(2) assess the costs and benefits of the rule,
17 both qualitative and quantitative, and propose a rule
18 only on a reasoned determination that the benefits
19 of the rule justify the costs of the rule; and

20 “(3) identify and assess available alternatives to
21 the rule that were considered, including amending
22 an existing rule and not regulating, together with an
23 explanation of why the rule meets the regulatory ob-
24 jectives more effectively than the alternatives.

1 “(c) Notwithstanding any other provision of law, a
2 rule may not take effect unless an agency complies with
3 subsection (b), except as provided in subsection (d).

4 “(d)(1) Notwithstanding any other provision of this
5 section, if the President makes a determination under
6 paragraph (2) and submits written notice of such deter-
7 mination to the Congress, a rule that would not take effect
8 by reason of subsection (c) may take effect for a period
9 of 120 days beginning on the date that the President
10 makes a determination under paragraph (2).

11 “(2) Paragraph (1) applies to a determination made
12 by the President by Executive order that the rule should
13 take effect because such rule is—

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

16 “(B) necessary for the enforcement of criminal
17 laws;

18 “(C) necessary for national security; or

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

21 “(e)(1) Not later than 5 years after the date of the
22 enactment of the Verifying Agencies’ Lasting Use of Ex-
23 penditures Act of 2013, and every 5 years thereafter, the
24 Administrator of the Office of Information and Regulatory
25 Affairs of the Office of Management and Budget shall—

1 “(A) review the rules of each agency and assess
2 the costs and benefits of such rules to determine
3 whether any such rules are outmoded, ineffective, in-
4 sufficient, or excessively burdensome; and

5 “(B) submit a report to the head of each agen-
6 cy regarding the review conducted under subpara-
7 graph (A) of that agency’s rules.

8 “(2) Upon receiving a report under paragraph
9 (1)(B), the head of an agency shall modify, streamline,
10 or repeal any rules that the Administrator finds are out-
11 moded, ineffective, insufficient, or excessively burdensome
12 in accordance with such report.”.

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