

113TH CONGRESS
1ST SESSION

S. 787

To require agencies to set forth reasons for determining that a proposed regulatory action is significant.

IN THE SENATE OF THE UNITED STATES

APRIL 23, 2013

Mr. ROBERTS introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require agencies to set forth reasons for determining that a proposed regulatory action is significant.

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 “Restoring Integrity
5 to our Government Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

8 (1) the term “agency” means any authority of
9 the United States that is—

1 (A) an agency as defined under section
2 3502(1) of title 44, United States Code; and

3 (B) shall include an independent regu-
4 latory agency as defined under section 3502(5)
5 of title 44, United States Code;

6 (2) the term “regulation”—

7 (A) means an agency statement of general
8 applicability and future effect, which the agency
9 intends to have the force and effect of law, that
10 is designed to implement, interpret, or prescribe
11 law or policy or to describe the procedure or
12 practice requirements of an agency; and

13 (B) shall not include—

14 (i) a regulation issued in accordance
15 with the formal rulemaking provisions of
16 sections 556 and 557 of title 5, United
17 States Code;

18 (ii) a regulation that pertains to a
19 military or foreign affairs function of the
20 United States, other than procurement
21 regulations and regulations involving the
22 import or export of non-defense articles
23 and services; or

1 (iii) a regulation that is limited to
2 agency organization, management, or per-
3 sonnel matters;

4 (3) the term “regulatory action” means any
5 substantive action by an agency (normally published
6 in the Federal Register) that promulgates or is ex-
7 pected to lead to the promulgation of a final regula-
8 tion, including notices of inquiry, advance notices of
9 proposed rulemaking, and notices of proposed rule-
10 making; and

11 (4) the term “significant regulatory action”
12 means any regulatory action that is likely to result
13 in a regulation that may—

14 (A) have an annual effect on the economy
15 of \$100,000,000 or more or adversely affect in
16 a material way the economy, a sector of the
17 economy, productivity, competition, jobs, the
18 environment, public health or safety, or State,
19 local, or tribal governments or communities;

20 (B) create a serious inconsistency or other-
21 wise interfere with an action taken or planned
22 by another agency;

23 (C) materially alter the budgetary impact
24 of entitlements, grants, user fees, or loan pro-

1 grams or the rights and obligation of recipients
2 thereof;

3 (D) add to the national debt; or

4 (E) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Act.

7 **SEC. 3. FINALIZATION OF PROPOSED SIGNIFICANT REGULATORY ACTIONS.**

9 A proposed significant regulatory action may not be
10 finalized unless the proposed significant regulatory action
11 includes the reason or reasons why the agency proposing
12 the significant regulatory action determined that the proposed significant regulatory action is a significant regulatory action.

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