

117TH CONGRESS
1ST SESSION

H. R. 1920

To provide for Federal agency accountability and improve the effectiveness of major rules in accomplishing their regulatory objectives by requiring retrospective review and report, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2021

Mr. GRAVES of Louisiana (for himself and Mr. CUELLAR) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for Federal agency accountability and improve the effectiveness of major rules in accomplishing their regulatory objectives by requiring retrospective review and report, 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 “Providing Retrospec-
5 tive Observations Validating Economics and Increasing
6 Transparency Act of 2021” or as the “PROVE IT Act
7 of 2021”.

1 **SEC. 2. INCORPORATING RETROSPECTIVE REVIEW FOR**
2 **NEW MAJOR RULES.**

3 (a) IN GENERAL.—Subchapter II of chapter 5 of title
4 5, United States Code, is amended—

5 (1) in section 551—

6 (A) in paragraph (13), by striking “; and”
7 and inserting a semicolon;

8 (B) in paragraph (14), by striking the pe-
9 riod at the end and inserting a semicolon; and

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

11 “(15) ‘Administrator’ means the Administrator
12 of the Office of Information and Regulatory Affairs
13 of the Office of Management and Budget; and

14 “(16) ‘major rule’ means any rule that the Ad-
15 ministrator finds has resulted in or is likely to result
16 in—

17 “(A) an annual effect on the economy of
18 \$100,000,000 or more;

19 “(B) a major increase in costs or prices for
20 consumers, individual industries, Federal,
21 State, or local government agencies, or geo-
22 graphic regions; or

23 “(C) significant adverse effects on competi-
24 tion, employment, investment, productivity, in-
25 novation, or on the ability of United States-
26 based enterprises to compete with foreign-based

1 enterprises in domestic and export markets.”;
2 and

3 (2) in section 553, by adding at the end the fol-
4 lowing:

5 “(f) REGULATION-SPECIFIC FRAMEWORKS.—

6 “(1) IN GENERAL.—Beginning 180 days after
7 the date of enactment of this subsection, when an
8 agency publishes a final major rule in the Federal
9 Register, the agency shall publish a report on the
10 benefits and costs of the final rule on entities whose
11 conduct is regulated by the rule in the Federal Reg-
12 ister biannually thereafter while the rule remains in
13 effect. The report shall—

14 “(A) assess the impacts, including any
15 costs, of the major rule on regulated entities;

16 “(B) include a determination about how
17 the actual benefits and costs of the major rule
18 has varied from those anticipated at the time
19 the major rule was issued;

20 “(C) assess the effectiveness and benefits
21 of the major rule in producing the regulatory
22 objectives of the major rule; and

23 “(D) be reviewed by the Administrator
24 when required under Executive order.

1 “(2) REPORT TO CONGRESS.—The agency shall
2 provide a report to Congress not later than 90 days
3 after the agency makes any determination under
4 paragraph (1)(C) that the cost to regulated entities
5 has exceeded the anticipated cost at the time the
6 final rule was issued. Agencies shall assess in their
7 report—

8 “(A) whether the major rule is accom-
9 plishing its regulatory objective; and

10 “(B) whether the major rule has been ren-
11 dered unnecessary, taking into consideration—

12 “(i) changes in the subject area af-
13 fected by the major rule;

14 “(ii) whether the major rule overlaps,
15 duplicates, or conflicts with other rules or,
16 to the extent feasible, State and local gov-
17 ernment regulations; and

18 “(iii) other alternatives to the major
19 rule or modification of the major rule could
20 achieve better results while imposing a
21 smaller burden on society or at a lower
22 cost, taking into consideration any cost al-
23 ready incurred.

1 “(3) REOPENING OF PUBLIC DOCKET.—Upon
2 delivery of the report required in paragraph (2) the
3 agency shall—

4 “(A) reopen the public docket for 60 days
5 to receive additional comments; and

6 “(B) consider modifications or alternatives
7 that reduce costs and increase benefits to regu-
8 lated entities or individuals.

9 “(4) RULE OF CONSTRUCTION.—Nothing in
10 this subsection may be construed to affect any other
11 provision of law that requires an agency to conduct
12 retrospective reviews of rules issued by the agency.”.

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