

115TH CONGRESS  
1ST SESSION

# H. R. 75

To amend title 5, united States Code, to provide for the publication, by the Office of Information and Regulatory Affairs, of information relating to rulemakings, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2017

Mr. RATCLIFFE (for himself, Mr. GOODLATTE, Mr. MARINO, Mr. BARR, and Mr. HOLDING) 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

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## A BILL

To amend title 5, united States Code, to provide for the publication, by the Office of Information and Regulatory Affairs, of information relating to rulemakings, 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 “All Economic Regula-  
5 tions are Transparent Act of 2017” or the “ALERT Act  
6 of 2017”.

1 **SEC. 2. OFFICE OF INFORMATION AND REGULATORY AF-**  
 2 **FAIRS PUBLICATION OF INFORMATION RE-**  
 3 **LATING TO RULES.**

4 (a) AMENDMENT.—Title 5, United States Code, is  
 5 amended by inserting after chapter 6, the following new  
 6 chapter:

7 **“CHAPTER 6A—OFFICE OF INFORMATION**  
 8 **AND REGULATORY AFFAIRS PUBLICA-**  
 9 **TION OF INFORMATION RELATING TO**  
 10 **RULES**

“Sec. 651. Agency monthly submission to office of information and regulatory  
 affairs.

“Sec. 652. Office of information and regulatory affairs publications.

“Sec. 653. Requirement for rules to appear in agency-specific monthly publica-  
 tion.

“Sec. 654. Definitions.

11 **“SEC. 651. AGENCY MONTHLY SUBMISSION TO OFFICE OF**  
 12 **INFORMATION AND REGULATORY AFFAIRS.**

13 “On a monthly basis, the head of each agency shall  
 14 submit to the Administrator of the Office of Information  
 15 and Regulatory Affairs (referred to in this chapter as the  
 16 ‘Administrator’), in such a manner as the Administrator  
 17 may reasonably require, the following information:

18 “(1) For each rule that the agency expects to  
 19 propose or finalize during the following year:

20 “(A) A summary of the nature of the rule,  
 21 including the regulation identifier number and  
 22 the docket number for the rule.

1           “(B) The objectives of and legal basis for  
2 the issuance of the rule, including—

3                   “(i) any statutory or judicial deadline;  
4 and

5                   “(ii) whether the legal basis restricts  
6 or precludes the agency from conducting  
7 an analysis of the costs or benefits of the  
8 rule during the rule making, and if not,  
9 whether the agency plans to conduct an  
10 analysis of the costs or benefits of the rule  
11 during the rule making.

12           “(C) Whether the agency plans to claim an  
13 exemption from the requirements of section 553  
14 pursuant to section 553(b)(B).

15           “(D) The stage of the rule making as of  
16 the date of submission.

17           “(E) Whether the rule is subject to review  
18 under section 610.

19           “(2) For any rule for which the agency expects  
20 to finalize during the following year and has issued  
21 a general notice of proposed rule making—

22                   “(A) an approximate schedule for com-  
23 pleting action on the rule;

24                   “(B) an estimate of whether the rule will  
25 cost—

1 “(i) less than \$50,000,000;

2 “(ii) \$50,000,000 or more but less  
3 than \$100,000,000;

4 “(iii) \$100,000,000 or more but less  
5 than \$500,000,000;

6 “(iv) \$500,000,000 or more but less  
7 than \$1,000,000,000;

8 “(v) \$1,000,000,000 or more but less  
9 than \$5,000,000,000;

10 “(vi) \$5,000,000,000 or more but less  
11 than \$10,000,000,000; or

12 “(vii) \$10,000,000,000 or more; and

13 “(C) any estimate of the economic effects  
14 of the rule, including any estimate of the net ef-  
15 fect that the rule will have on the number of  
16 jobs in the United States, that was considered  
17 in drafting the rule. If such estimate is not  
18 available, a statement affirming that no infor-  
19 mation on the economic effects, including the  
20 effect on the number of jobs, of the rule has  
21 been considered.

22 **“SEC. 652. OFFICE OF INFORMATION AND REGULATORY AF-  
23 FAIRS PUBLICATIONS.**

24 “(a) AGENCY-SPECIFIC INFORMATION PUBLISHED  
25 MONTHLY.—Not later than 30 days after the submission

1 of information pursuant to section 651, the Administrator  
2 shall make such information publicly available on the  
3 Internet.

4 “(b) CUMULATIVE ASSESSMENT OF AGENCY RULE  
5 MAKING PUBLISHED ANNUALLY.—

6 “(1) PUBLICATION IN THE FEDERAL REG-  
7 ISTER.—Not later than October 1 of each year, the  
8 Administrator shall publish in the Federal Register,  
9 for the previous year the following:

10 “(A) The information that the Adminis-  
11 trator received from the head of each agency  
12 under section 651.

13 “(B) The number of rules and a list of  
14 each such rule—

15 “(i) that was proposed by each agen-  
16 cy, including, for each such rule, an indica-  
17 tion of whether the issuing agency con-  
18 ducted an analysis of the costs or benefits  
19 of the rule; and

20 “(ii) that was finalized by each agen-  
21 cy, including for each such rule an indica-  
22 tion of whether—

23 “(I) the issuing agency conducted  
24 an analysis of the costs or benefits of  
25 the rule;

1                   “(II) the agency claimed an ex-  
2                   emption from the procedures under  
3                   section 553 pursuant to section  
4                   553(b)(B); and

5                   “(III) the rule was issued pursu-  
6                   ant to a statutory mandate or the rule  
7                   making is committed to agency discre-  
8                   tion by law.

9                   “(C) The number of agency actions and a  
10                  list of each such action taken by each agency  
11                  that—

12                   “(i) repealed a rule;

13                   “(ii) reduced the scope of a rule;

14                   “(iii) reduced the cost of a rule; or

15                   “(iv) accelerated the expiration date  
16                  of a rule.

17                  “(D) The total cost (without reducing the  
18                  cost by any offsetting benefits) of all rules pro-  
19                  posed or finalized, and the number of rules for  
20                  which an estimate of the cost of the rule was  
21                  not available.

22                  “(2) PUBLICATION ON THE INTERNET.—Not  
23                  later than October 1 of each year, the Administrator  
24                  shall make publicly available on the Internet the fol-  
25                  lowing:

1           “(A) The analysis of the costs or benefits,  
2 if conducted, for each proposed rule or final  
3 rule issued by an agency for the previous year.

4           “(B) The docket number and regulation  
5 identifier number for each proposed or final  
6 rule issued by an agency for the previous year.

7           “(C) The number of rules and a list of  
8 each such rule reviewed by the Director of the  
9 Office of Management and Budget for the pre-  
10 vious year, and the authority under which each  
11 such review was conducted.

12           “(D) The number of rules and a list of  
13 each such rule for which the head of an agency  
14 completed a review under section 610 for the  
15 previous year.

16           “(E) The number of rules and a list of  
17 each such rule submitted to the Comptroller  
18 General under section 801.

19           “(F) The number of rules and a list of  
20 each such rule for which a resolution of dis-  
21 approval was introduced in either the House of  
22 Representatives or the Senate under section  
23 802.

1 **“SEC. 653. REQUIREMENT FOR RULES TO APPEAR IN AGEN-**  
2 **CY-SPECIFIC MONTHLY PUBLICATION.**

3 “(a) IN GENERAL.—Subject to subsection (b), a rule  
4 may not take effect until the information required to be  
5 made publicly available on the Internet regarding such  
6 rule pursuant to section 652(a) has been so available for  
7 not less than 6 months.

8 “(b) EXCEPTIONS.—The requirement of subsection  
9 (a) shall not apply in the case of a rule—

10 “(1) for which the agency issuing the rule  
11 claims an exception under section 553(b)(B); or

12 “(2) which the President determines by Execu-  
13 tive order should take effect because the rule is—

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

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

18 “(C) necessary for national security; or

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

21 **“SEC. 654. DEFINITIONS.**

22 “In this chapter, the terms ‘agency’, ‘agency action’,  
23 ‘rule’, and ‘rule making’ have the meanings given those  
24 terms in section 551.”.

25 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
26 The table of chapters for part I of title 5, United States



1 Code, is amended by inserting after the item relating to  
 2 chapter 5, the following:

“6. The Analysis of Regulatory Functions .....	601
“6A. Office of Information and Regulatory Affairs Publication of In- formation Relating to Rules .....	651”.

3 (c) EFFECTIVE DATES.—

4 (1) AGENCY MONTHLY SUBMISSION TO THE OF-  
 5 FICE OF INFORMATION AND REGULATORY AF-  
 6 FAIRS.—The first submission required pursuant to  
 7 section 651 of title 5, United States Code, as added  
 8 by subsection (a), shall be submitted not later than  
 9 30 days after the date of the enactment of this Act,  
 10 and monthly thereafter.

11 (2) CUMULATIVE ASSESSMENT OF AGENCY  
 12 RULE MAKING.—

13 (A) IN GENERAL.—Subsection (b) of sec-  
 14 tion 652 of title 5, United States Code, as  
 15 added by subsection (a), shall take effect on the  
 16 date that is 60 days after the date of the enact-  
 17 ment of this Act.

18 (B) DEADLINE.—The first requirement to  
 19 publish or make available, as the case may be,  
 20 under subsection (b) of section 652 of title 5,  
 21 United States Code, as added by subsection (a),  
 22 shall be the first October 1 after the effective  
 23 date of such subsection.

1           (C) FIRST PUBLICATION.—The require-  
2           ment under section 652(b)(2)(A) of title 5,  
3           United States Code, as added by subsection (a),  
4           shall include for the first publication, any anal-  
5           ysis of the costs or benefits conducted for a  
6           proposed or final rule, for the 10 years before  
7           the date of the enactment of this Act.

8           (3) REQUIREMENT FOR RULES TO APPEAR IN  
9           AGENCY-SPECIFIC MONTHLY PUBLICATION.—Section  
10          653 of title 5, United States Code, as added by sub-  
11          section (a), shall take effect on the date that is 8  
12          months after the date of the enactment of this Act.

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