

118TH CONGRESS  
2D SESSION

# H. R. 8204

To amend titles 5 and 31, United States Code, to require regulatory early notice by agencies, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2024

Mr. DAVIS of North Carolina (for himself, Mr. BURCHETT, and Mr. RESCHENTHALER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Small Business, 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 titles 5 and 31, United States Code, to require regulatory early notice by agencies, 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 “Regulatory Early No-  
5 tice and Engagement Act of 2024”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) Federal agencies regulate via grants of au-  
2           thority contained in public laws.

3           (2) To earn and maintain public trust, this reg-  
4           ulatory power must be exercised with full trans-  
5           parency. Providing such transparency early in the  
6           process of developing regulations also enables the  
7           public to provide informed input into that process.

8           (3) Agencies should promulgate only such regu-  
9           lations as are necessary.

10          (4) Agencies should report to Congress on the  
11          necessity of developing each new regulation.

12          (5) This information should be made publicly  
13          accessible upon initiation of a new rulemaking to fa-  
14          cilitate both public engagement and congressional  
15          oversight.

16 **SEC. 3. REGULATORY EARLY NOTICE.**

17          (a) **ONLINE NOTICE OF INITIATION.**—Chapter 6 of  
18          title 5, United States Code, is amended by adding after  
19          section 601 the following:

20 **“§ 601A. Regulatory early notice**

21          “(a) **REGULATORY EARLY NOTICE WEBPAGE.**—

22                  “(1) **WEBPAGE REQUIRED.**—The head of each  
23          agency shall maintain on the website of the agency  
24          a regulatory early notice webpage.

1           “(2) REQUIREMENT TO PUBLISH ON  
2           WEBPAGE.—Not later than 7 days after the date on  
3           which the Director of the Office of Management and  
4           Budget assigns a regulation identifier number to an  
5           agency rulemaking, the head of the relevant agency  
6           shall—

7                   “(A) publish on the regulatory early notice  
8                   web page of the agency a regulatory early no-  
9                   tice for that rulemaking; and

10                   “(B) provide the regulatory early notice to  
11                   the Comptroller General.

12           “(b) REGULATORY EARLY NOTICE CONTENTS.—A  
13           regulatory early notice under subsection (a) shall identify  
14           the problem that the rule is intended to address, and shall  
15           include the following:

16                   “(1) Whether the rule is required by law, nec-  
17                   essary to interpret the law, or made necessary by  
18                   compelling public need, such as material failures of  
19                   private markets to protect the health and safety of  
20                   the public, the environment, or the well-being of the  
21                   American people.

22                   “(2) Whether regulations (or other law) have  
23                   created, or contributed to, the problem that a new  
24                   regulation is intended to correct and whether those  
25                   regulations (or other law) should be modified to

1 achieve the intended goal of regulation more effec-  
2 tively.

3 “(3) Whether the agency identified and as-  
4 sessed available alternatives to direct regulation, in-  
5 cluding the alternative of not regulating, and includ-  
6 ing providing economic incentives to encourage the  
7 desired behavior, such as user fees or marketable  
8 permits, or providing information upon which  
9 choices can be made by the public.

10 “(4) An invitation for the public to provide the  
11 agency with recommendations on how to accomplish  
12 the objectives of the rule most effectively and at  
13 least cost.

14 “(c) REGULATION IDENTIFIER NUMBER DEFINED.—  
15 The term ‘regulation identifier number’ means the regula-  
16 tion identifier number assigned to an agency rulemaking  
17 by the Office of Management and Budget pursuant to sec-  
18 tion 4(b) of Executive Order 12866 (5 U.S.C. 601 note;  
19 relating to regulatory planning and review), or any suc-  
20 cessor thereto.

21 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-  
22 tion may be construed to require the head of an agency  
23 to respond to any recommendation submitted under sub-  
24 section (b)(4) and any such recommendation may not be  
25 cited in a challenge to a final rule.”

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
2 The table of sections for chapter 6 of title 5, United States  
3 Code, is amended by adding after the item related to sec-  
4 tion 601 the following new item:

“601A. Regulatory early notice.”.

5 (c) EFFECTIVE DATE.—Not later than 180 days  
6 after the date of the enactment of this Act, the head of  
7 each agency shall establish the regulatory early notice  
8 webpage of the agency required pursuant to section 601A  
9 of title 5, United States Code, as added by subsection (b).  
10 Each agency webpage shall contain regulatory early no-  
11 tices for every agency rulemaking for which the Office of  
12 Management and Budget assigned a regulation identifier  
13 number after the date of the enactment of this Act.

14 **SEC. 4. GOVERNMENT ACCOUNTABILITY OFFICE REPORT-**  
15 **ING; DATABASE.**

16 (a) IN GENERAL.—Chapter 7 of title 31, United  
17 State Code, is amended by adding after section 721 the  
18 following new section:

19 **“§ 722. Regulatory early notice database and report**

20 **“(a) DATABASE.—**Not later than 1 year after the  
21 date of the enactment of this section, the Comptroller  
22 General shall establish and maintain on the website of the  
23 Comptroller General a searchable database of each regu-  
24 latory early notice provided to the Comptroller General  
25 pursuant to section 601A of title 5.

1       “(b) REPORT.—Not later than 1 year after the date  
2 of the enactment of this section, and annually thereafter,  
3 the Comptroller General shall submit to Congress and  
4 publish on the website of the Government Accountability  
5 Office a report that details agency compliance with this  
6 this section and section 601A of title 5.”.

7       (b) TECHNICAL AND CONFORMING AMENDMENT.—  
8 The table of sections for chapter 7 of title 31, United  
9 States Code, is amended by adding after the item related  
10 to section 721 the following new item:

“722. Regulatory early notice database and report.”.

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