

115TH CONGRESS
1ST SESSION

S. 676

To amend title 44, United States Code, to require the Administrator of the Office of Information and Regulatory Affairs to review regulations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2017

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

A BILL

To amend title 44, United States Code, to require the Administrator of the Office of Information and Regulatory Affairs to review regulations, 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 “OIRA Insight, Reform,
5 and Accountability Act”.

1 **SEC. 2. OFFICE OF INFORMATION AND REGULATORY AF-**
 2 **FAIRS.**

3 (a) AMENDMENT.—Subchapter I of chapter 35 of
 4 title 44, United States Code, is amended by adding at the
 5 end the following:

6 **“§ 3522. Office of Information and Regulatory Affairs**
 7 **Regulatory Working Group; regulatory**
 8 **plan; Unified Agenda**

9 “(a) REGULATORY WORKING GROUP.—

10 “(1) ESTABLISHMENT; MEMBERS.—The Admin-
 11 istrator shall convene a working group to be known
 12 as the Regulatory Working Group, whose members
 13 shall consist of the following:

14 “(A) The Administrator.

15 “(B) Representatives selected by the head
 16 of each agency that the Administrator deter-
 17 mines to have significant domestic regulatory
 18 responsibility.

19 “(C) Other executive branch officials as
 20 designated by the Administrator.

21 “(2) CHAIR.—The Chair of the Regulatory
 22 Working Group shall be the Administrator, who
 23 shall periodically advise Congress on the activities of
 24 the Regulatory Working Group.

25 “(3) PURPOSE.—The Regulatory Working
 26 Group shall serve as a forum to assist agencies in

1 identifying and analyzing important regulatory
2 issues, including, at a minimum—

3 “(A) the development of innovative regu-
4 latory techniques;

5 “(B) the methods, efficacy, and utility of
6 comparative risk assessment in regulatory deci-
7 sionmaking;

8 “(C) the development of streamlined regu-
9 latory approaches for small businesses and
10 other entities; and

11 “(D) the methods used to ensure agencies
12 coordinate with State, local, and tribal govern-
13 ments.

14 “(4) MEETINGS.—The Regulatory Working
15 Group shall meet not less than quarterly and may
16 meet as a whole or in subgroups of members with
17 an interest in particular issues or subject areas.

18 “(5) ANALYTICAL STUDIES.—To inform the
19 discussion of the Regulatory Working Group, the
20 Regulatory Working Group may request analytical
21 studies and reports by the Office of Information and
22 Regulatory Affairs, the Administrative Conference of
23 the United States, or any other agency.

24 “(b) REGULATORY PLAN.—

25 “(1) IN GENERAL.—

1 “(A) DEADLINE FOR AND DESCRIPTION OF
2 REGULATORY PLAN.—Not later than June 1 of
3 each year, the head of each agency shall ap-
4 prove and submit to the Administrator a regu-
5 latory plan that includes each significant regu-
6 latory action that the agency reasonably expects
7 to issue in proposed or final form in the fol-
8 lowing fiscal year or thereafter and the retro-
9 spective review described in paragraph (2). The
10 regulatory plan shall also contain, at a min-
11 imum, the following:

12 “(i) A statement of the regulatory ob-
13 jectives and priorities of the agency.

14 “(ii) A summary of each planned sig-
15 nificant regulatory action including, to the
16 extent possible, alternatives to be consid-
17 ered and preliminary estimates of the an-
18 ticipated costs and benefits of such action.

19 “(iii) A summary of the legal basis for
20 each such action, including whether any
21 aspect of the action is required by statute
22 or court order.

23 “(iv) A statement of the need for each
24 such action and, if applicable, how the ac-
25 tion will reduce risk to public health, safe-

1 ty, or the environment, as well as how the
2 magnitude of the risk addressed by the ac-
3 tion relates to any other risk within the ju-
4 risdiction of the agency.

5 “(v) A summary of the agency’s plan
6 to coordinate with State, local, and tribal
7 governments throughout the regulatory
8 process.

9 “(vi) A description of any action
10 taken by the agency to ensure that each
11 planned significant regulatory action is not
12 duplicative or conflicting with any other
13 existing or planned regulatory action.

14 “(vii) The schedule for each such ac-
15 tion, including a statement of any applica-
16 ble statutory or judicial deadline.

17 “(viii) The name, email address, and
18 telephone number of a knowledgeable agen-
19 cy employee the public may contact for ad-
20 ditional information about each such ac-
21 tion.

22 “(B) CIRCULATION OF REGULATORY
23 PLAN.—Not later than 10 days after receiving
24 the regulatory plan under subparagraph (A),
25 the Administrator shall circulate the regulatory

1 plan to any other agency the Administrator de-
2 termines may be affected by the plan.

3 “(C) AGENCY NOTIFICATION TO OIRA OF
4 CONFLICTING SIGNIFICANT REGULATORY AC-
5 TIONS.—The head of an agency shall promptly
6 notify the Administrator in writing if any
7 planned significant regulatory action in the reg-
8 ulatory plan of another agency may conflict
9 with the policy or action taken or planned by
10 that agency. The Administrator shall forward
11 any notification received under this subpara-
12 graph to the other agency involved.

13 “(D) NOTIFICATION OF CONFLICTING SIG-
14 NIFICANT REGULATORY ACTIONS.—The Admin-
15 istrator shall notify the head of an agency in
16 writing if any planned significant regulatory ac-
17 tion conflicts with any policy or action taken or
18 planned by another agency.

19 “(E) REQUIREMENT TO PUBLISH IN UNI-
20 FIED AGENDA.—Each regulatory plan sub-
21 mitted by the head of an agency under subpara-
22 graph (A) shall be included in the October pub-
23 lication of the Unified Agenda described under
24 subsection (c).

25 “(2) RETROSPECTIVE REVIEW.—

1 “(A) LIST OF OUTDATED REGULATIONS.—

2 The head of each agency shall include in the
3 regulatory plan submitted under paragraph
4 (1)(A) a list of regulations that have been iden-
5 tified by the agency (including any comments
6 submitted to the agency) as unjustified, unnec-
7 essary, duplicative of other regulations or laws,
8 inappropriately burdensome, or otherwise rec-
9 ommended for removal.

10 “(B) DESCRIPTION OF RETROSPECTIVE

11 REVIEW.—The head of each agency shall in-
12 clude in the regulatory plan submitted under
13 paragraph (1)(A) a description of any program
14 or other effort to review existing regulations to
15 determine whether any such regulations should
16 be modified or eliminated in order to increase
17 the effectiveness in achieving the regulatory ob-
18 jectives of the agency or to reduce the burden
19 of regulations. The agency shall include any
20 statutory requirements that require the agency
21 to promulgate or continue to impose regulations
22 that the agency believes are unnecessary or out-
23 dated by reason of changed circumstances.

24 “(C) OIRA COORDINATED REVIEW.—The

25 head of each agency shall submit the program

1 descriptions required in subparagraph (B) to
 2 the Administrator. The Administrator shall
 3 work with other interested entities and agen-
 4 cies, including through the processes established
 5 under subsection (d), to review the list of regu-
 6 lations identified under subparagraph (A) and
 7 such entities may assist OIRA and the agencies
 8 with identifying regulations or groups of regula-
 9 tions that—

10 “(i) impose significant or unique bur-
 11 dens on governmental entities and that are
 12 no longer justified; or

13 “(ii) affect a particular group, indus-
 14 try, or sector of the economy.

15 “(c) UNIFIED AGENDA.—

16 “(1) SUBMISSION OF REGULATIONS UNDER DE-
 17 VELOPMENT OR REVIEW.—Not later than March 15
 18 and September 15 of each year, the head of each
 19 agency shall submit to the Administrator an agenda
 20 of each regulation under development or review in
 21 accordance with any guidance issued under this sec-
 22 tion. Each agenda shall include, to the extent prac-
 23 ticable, the following:

24 “(A) For each regulation—

25 “(i) a regulation identifier number;

1 “(ii) a brief summary of the regula-
2 tion;

3 “(iii) a citation to the legal authority
4 to issue the regulation;

5 “(iv) any legal deadline for the
6 issuance of the regulation;

7 “(v) the name and phone number for
8 a knowledgeable agency employee; and

9 “(vi) the stage of review for issuing
10 the regulation.

11 “(B) For each regulation expected to be
12 promulgated within the following 18 months—

13 “(i) a determination of whether the
14 regulation is expected to be a significant
15 regulatory action or an economically sig-
16 nificant regulatory action;

17 “(ii) any available clear summary of
18 the expected costs or benefits; and

19 “(iii) efforts to coordinate with State,
20 local, and tribal governments.

21 “(C) For any regulation included in the
22 immediately previous agenda, an explanation of
23 why the regulation is no longer included.

24 “(2) PUBLICATION OF UNIFIED AGENDA RE-
25 QUIRED.—Not later than April 15 and October 15

1 of each year, the Administrator shall compile and
2 publish online each agenda received under paragraph
3 (1) (to be known as the ‘Unified Agenda’).

4 “(3) GUIDANCE.—

5 “(A) IN GENERAL.—The Administrator
6 shall issue guidance for agencies on the manner
7 of submission under this subsection and on
8 meeting the requirements of this subsection, in-
9 cluding a standard definition for each stage of
10 review and any other definition that would as-
11 sist the public in understanding the different
12 terms used by agencies to submit the agenda
13 required under paragraph (1).

14 “(B) UPDATES.—The Administrator shall
15 periodically review compliance with this section
16 and issue guidance or recommendations to as-
17 sist agencies in complying with this section.

18 “(d) COORDINATION WITH STATE, LOCAL, AND
19 TRIBAL GOVERNMENTS AND THE PUBLIC.—

20 “(1) STATE, LOCAL, AND TRIBAL GOVERN-
21 MENTS.—The Administrator shall meet not less than
22 quarterly with representatives of State, local, and
23 tribal governments to identify both existing and pro-
24 posed regulations and policies that may uniquely or
25 significantly affect those government entities.

1 “(2) PUBLIC.—The Administrator shall periodically
2 cally convene conferences with representatives of
3 businesses, nongovernmental organizations, and the
4 public to discuss regulatory issues of common concern.
5 cern.

6 “(e) BEST PRACTICES.—The Administrator shall, in
7 consultation with the Regulatory Working Group and the
8 entities described in subsection (d), periodically develop
9 advice and guidance for agencies on best practices of the
10 development of regulations.

11 **“§ 3523. OIRA coordinated review of significant regulatory
12 actions**

13 “(a) OIRA REVIEW.—

14 “(1) IN GENERAL.—The Administrator shall
15 conduct a Governmentwide coordinated review of
16 significant regulatory actions to ensure that such
17 regulations are consistent with applicable law and
18 that a regulatory action by one agency does not conflict
19 with a policy or action taken or planned by another
20 agency.

21 “(2) PERIODIC AGENCY SUBMISSION OF
22 PLANNED REGULATORY ACTIONS.—The head of each
23 agency shall provide to the Administrator, at such
24 time and in such a manner as determined by the Administrator,
25 a list of each planned regulatory action

1 with an identification of whether each such regu-
2 latory action is a significant regulatory action.

3 “(3) REVIEW OF SIGNIFICANT REGULATORY AC-
4 TION REQUIRED.—

5 “(A) IN GENERAL.—The Administrator
6 shall make a determination of whether any
7 planned regulatory action submitted under this
8 section is a significant regulatory action and
9 shall review each such significant regulatory ac-
10 tion in accordance with this section.

11 “(B) NOT SUBJECT TO REVIEW.—Any
12 planned regulatory action determined by the
13 Administrator not to be a significant regulatory
14 action is not subject to review under this sec-
15 tion.

16 “(C) NOTIFICATION REQUIRED.—Not later
17 than 10 days after a planned regulatory action
18 has been determined to be a significant regu-
19 latory action, the Administrator shall notify the
20 head of the relevant agency of such determina-
21 tion.

22 “(4) WAIVER OF REVIEW FOR SIGNIFICANT
23 REGULATORY ACTION.—The Administrator—

1 “(A) may waive review of any planned reg-
2 ulatory action designated as a significant regu-
3 latory action; and

4 “(B) shall publish online a detailed written
5 explanation of any such waiver.

6 “(b) AGENCY CONSULTATION WITH OIRA.—

7 “(1) IN GENERAL.—An agency may consult
8 with OIRA at any time on any regulatory action.
9 OIRA shall maintain a log of each agency consulta-
10 tion with OIRA before submitting the significant
11 regulatory action for review under this section, in-
12 cluding the date of the consultation, the name of
13 each agency official involved with the consultation,
14 and a description of the purpose of the consultation.

15 “(2) REGULATION IDENTIFIER NUMBER.—The
16 head of an agency shall make every effort to obtain
17 a regulation identifier number for the regulatory ac-
18 tion that is the subject of the consultation before
19 consulting with OIRA.

20 “(3) CONSULTATION INFORMATION RE-
21 QUIRED.—If the head of an agency is unable to ob-
22 tain the regulation identifier number as described in
23 paragraph (2), the head of the agency shall provide
24 the regulation identifier number to OIRA as soon as
25 the number is obtained with a list of any previous

1 interactions with OIRA relating to the regulatory ac-
2 tion that is the subject of the consultation.

3 “(c) AGENCY SUBMISSION OF SIGNIFICANT REGU-
4 LATORY ACTION FOR REVIEW.—Before issuing a signifi-
5 cant regulatory action, the head of an agency shall submit
6 the significant regulatory action to the Administrator for
7 review and shall include the following:

8 “(1) The text of the significant regulatory ac-
9 tion.

10 “(2) A detailed description of the need for the
11 significant regulatory action.

12 “(3) An explanation of how the significant reg-
13 ulatory action will meet the identified need.

14 “(4) An assessment of potential costs and bene-
15 fits of the significant regulatory action.

16 “(5) An explanation of the manner in which the
17 significant regulatory action is consistent with a
18 statutory mandate and avoids undue interference
19 with State, local, and tribal government functions.

20 “(6) An explanation of agency efforts to coordi-
21 nate with State, local, and tribal governments
22 throughout the regulatory process.

23 “(7) For an economically significant regulatory
24 action, if any of the following was developed during
25 the decisionmaking process of the agency:

1 “(A) An assessment of and quantification
2 of costs and benefits of the significant regu-
3 latory action.

4 “(B) An assessment of and quantification
5 of costs and benefits of potentially effective and
6 feasible alternatives, including any underlying
7 analysis.

8 “(C) An explanation of why the planned
9 significant regulatory action is preferable to any
10 identified potential alternatives.

11 “(d) DEADLINES FOR REVIEW.—

12 “(1) REVIEW COORDINATION.—To the extent
13 practicable, the head of each agency shall work with
14 the Administrator to establish a mutually agreeable
15 date on which to submit a significant regulatory ac-
16 tion for review.

17 “(2) EXPEDITED REVIEW.—When an agency is
18 obligated by law to issue a significant regulatory ac-
19 tion before complying with the provisions of this sec-
20 tion, the head of the agency shall notify the Admin-
21 istrator as soon as possible. To the extent prac-
22 ticable, OIRA and the agency shall comply with the
23 provisions of this section.

24 “(3) 10-DAY REVIEW.—In the case of a signifi-
25 cant regulatory action that is a notice of inquiry, ad-

1 vance notice of proposed rule making, or other pre-
2 liminary regulatory action prior to a notice of pro-
3 posed rule making, within 10 business days after the
4 date of submission of the action to the Adminis-
5 trator, OIRA shall complete the review.

6 “(4) 90-DAY REVIEW.—

7 “(A) IN GENERAL.—Except as provided in
8 subparagraph (B), for any other significant reg-
9 ulatory action not described in paragraph (3),
10 within 90 days after the date of submission of
11 the action, OIRA shall complete the review.

12 “(B) EXCEPTION 45-DAY REVIEW.—If
13 OIRA has previously reviewed the significant
14 regulatory action described in subparagraph (A)
15 and, since that review, there has been no mate-
16 rial change in the facts and circumstances upon
17 which the significant regulatory action is based,
18 OIRA shall complete the review within 45 days
19 after submission of the action.

20 “(5) EXTENSION.—Any review described under
21 this subsection may be extended for any number of
22 additional 30-day periods upon mutual agreement of
23 the Administrator and the head of the agency. For
24 each 30-day extension, the Administrator shall make
25 publicly available online a written explanation, in-

1 including the reasons for the extension and an esti-
2 mate of the expected conclusion date.

3 “(6) RETURN.—If the Administrator deter-
4 mines OIRA is unable to conclude a review within
5 the time period described under this subsection, the
6 Administrator may return the draft of the signifi-
7 cant regulatory action to the agency with a written
8 explanation of why OIRA was unable to complete
9 the review and what additional information, re-
10 sources, or time OIRA would need to complete the
11 review.

12 “(7) WITHDRAWAL.—An agency may withdraw
13 the regulatory action from OIRA review at any time
14 prior to the completion of the review.

15 “(e) COMPLIANCE REVIEW.—The Administrator
16 shall review any significant regulatory action submitted
17 under subsection (c) to determine the extent to which the
18 agency—

19 “(1) identified the problem that the significant
20 regulatory action is designed to address (including,
21 where applicable, the failures of private markets or
22 public institutions that warrant new agency action);

23 “(2) assessed the significance of the problem
24 the regulatory action is designed to address;

1 “(3) examined whether existing regulations or
2 laws have created or contributed to the problem that
3 the regulatory action is designed to correct and
4 whether those regulations or laws should be modified
5 to achieve the intended goal more effectively;

6 “(4) identified and assessed available alter-
7 natives to direct regulation, including providing eco-
8 nomic incentives to encourage desired behaviors,
9 such as user fees or marketable permits, or pro-
10 viding information upon which choices can be made
11 by the public;

12 “(5) considered, to the extent reasonable, the
13 degree and nature of the risks posed by various sub-
14 stances or activities within the jurisdiction of the
15 agency;

16 “(6) designed the regulatory action to be the
17 most cost-effective manner to achieve the regulatory
18 objective;

19 “(7) considered incentives for innovation, con-
20 sistency, predictability, flexibility, distributive im-
21 pacts, equity, and the costs of enforcement and com-
22 pliance by the Government, regulated entities, and
23 the public;

1 “(8) assessed costs and benefits of the regu-
2 latory action and made a reasoned determination
3 that the benefits justify the costs;

4 “(9) used the best reasonably obtainable sci-
5 entific, technical, economic, and other information
6 concerning the need for and consequences of the reg-
7 ulatory action;

8 “(10) identified and assessed alternative forms
9 of regulation and, to the extent feasible, specified
10 performance objectives rather than behavior or man-
11 ner of compliance;

12 “(11) sought comments and suggestions from
13 impacted State, local, and tribal officials on any as-
14 pect of the regulatory action that might significantly
15 or uniquely affect those governmental entities;

16 “(12) assessed the effects of the regulatory ac-
17 tion on State, local, and tribal governments, includ-
18 ing specifically the availability of resources to carry
19 out the regulatory action, and minimized the bur-
20 dens that uniquely or significantly affect such gov-
21 ernmental entities, consistent with achieving regu-
22 latory objectives;

23 “(13) harmonized the regulatory action with
24 the regulatory and other functions of State, local,
25 and tribal governments;

1 “(14) avoided conflicts with or duplication of
2 other existing regulations;

3 “(15) tailored the regulatory action to impose
4 the least burden on society, including individuals,
5 businesses of differing sizes, and other entities (in-
6 cluding small communities and governmental enti-
7 ties), consistent with obtaining the regulatory objec-
8 tives, and taking into account, among other things
9 and to the extent practicable, the costs of cumulative
10 regulations;

11 “(16) drafted the regulatory action to be simple
12 and easy to understand, and minimized the potential
13 for uncertainty and litigation arising from such un-
14 certainty;

15 “(17) met all applicable Executive order re-
16 quirements;

17 “(18) met all applicable statutory requirements;
18 and

19 “(19) complied with all applicable guidance.

20 “(f) QUALITY REVIEW.—For any significant regu-
21 latory action submitted under subsection (c), OIRA shall
22 review the extent to which the agency conducted a mean-
23 ingful and complete analysis of each of the factors de-
24 scribed in subsection (e), considering best practices, meth-
25 ods observed through reviewing other agencies, comments

1 from stakeholders, and other resources that may improve
2 the quality of the process.

3 “(g) INTERAGENCY CONSULTATION.—The Adminis-
4 trator shall identify each agency potentially affected, inter-
5 ested, or otherwise likely to provide valuable feedback on
6 a significant regulatory action submitted under subsection
7 (c) and facilitate a meaningful interagency consultation
8 process. The Administrator shall—

9 “(1) provide each identified agency with a copy
10 of the draft regulatory action;

11 “(2) allow each identified agency to review the
12 draft regulatory action for a sufficient period of
13 time, not less than 10 business days;

14 “(3) solicit written comments from such agency;
15 and

16 “(4) as appropriate, facilitate conversations be-
17 tween agencies.

18 “(h) STAKEHOLDER CONSULTATION.—For all sub-
19 stantive communications between OIRA and individuals
20 not employed by the executive branch regarding a regu-
21 latory action submitted to the Administrator for review
22 under this section, the Administrator shall—

23 “(1) invite the issuing agency to any meeting
24 between OIRA personnel and individuals not em-
25 ployed by the executive branch;

1 “(2) not later than 10 business days after re-
2 receipt of any written communication submitted by
3 any individual not employed by the executive branch,
4 make such communications available to the public
5 online; and

6 “(3) make available to the public online a log,
7 which shall be updated daily, of the following infor-
8 mation:

9 “(A) The status of each regulatory action.

10 “(B) A copy of any written communication
11 submitted by any person not employed by the
12 executive branch.

13 “(C) The dates and names of persons in-
14 volved in any substantive oral communication
15 and the subject matter discussed during such
16 communication.

17 “(i) CONCLUSION OF REVIEW.—

18 “(1) PROVISION TO AGENCY.—Upon completion
19 of a review under this section, the Administrator
20 shall provide the head of an agency with the results
21 of the OIRA review in writing, including a list of
22 every standard, Executive order, guidance document,
23 and law reviewed for compliance and the results for
24 each.

1 “(2) CHANGES DURING REVIEW PERIOD.—As
2 soon as practicable and before publication in the
3 Federal Register of a significant regulatory action
4 for which OIRA concluded review under this section,
5 the head of the submitting agency shall make avail-
6 able to the Administrator a redline of any changes
7 the agency made to the regulatory action during the
8 review period. To the extent practicable, the agency
9 shall identify any change made at the suggestion or
10 recommendation of any other agency, member of the
11 public, or other source. To the extent practicable,
12 the agency should identify the source of any such
13 change.

14 **“§ 3524. Disclosure of regulatory review**

15 “(a) IN GENERAL.—On the earlier of the date on
16 which an agency publishes a significant regulatory action
17 reviewed under section 3523 in the Federal Register, the
18 agency otherwise makes the significant regulatory action
19 publicly available, or the agency announces a decision not
20 to publish the regulatory action, the Administrator shall
21 make available to the public online—

22 “(1) all information submitted by an agency
23 under section 3523;

24 “(2) the results of the review provided to the
25 agency under section 3523;

1 “(3) the redline of any changes made by the
2 agency during the course of the review provided
3 under section 3523(i)(2);

4 “(4) all documents exchanged between senior
5 level officials at OIRA and the agency during the re-
6 view; and

7 “(5) a list of each consultation described in sec-
8 tion 3523(b).

9 “(b) AGENCY DISCLOSURE.—Each agency that sub-
10 mits a significant regulatory action to OIRA under section
11 3522 or 3523 shall maintain on the website of the agency
12 the following:

13 “(1) A list of each active regulatory action, in-
14 cluding the status of the regulatory action or a link
15 to each entry on the Unified Agenda.

16 “(2) The most recent regulatory plan of the
17 agency.

18 “(3) A link to each record disclosed under sub-
19 section (a).

20 “(c) PLAIN LANGUAGE REQUIREMENT.—All infor-
21 mation provided to the public shall, to the extent prac-
22 ticable, be in plain, understandable language.

23 “(d) RECORDKEEPING.—The Administrator shall en-
24 sure any record associated with a significant regulatory
25 action submitted to OIRA under section 3522 or 3523 is

1 easily accessible for a period of time consistent with ap-
 2 proved records disposition schedules for the agency, in a
 3 manner that all records associated with a significant regu-
 4 latory action can be promptly submitted to Congress upon
 5 request.”.

6 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 7 The table of sections at the beginning of chapter 35 of
 8 title 44, United States Code, is amended by inserting after
 9 the item relating to section 3521 the following:

“3522. Office of Information and Regulatory Affairs Regulatory Working
 Group; regulatory plan; Unified Agenda.

“3523. OIRA coordinated review of significant regulatory actions.

“3524. Disclosure of regulatory review.”.

10 (c) DEFINITIONS.—Section 3502 of title 44, United
 11 States Code, is amended—

12 (1) in paragraph (13)(D), by striking “; and”
 13 and inserting a semicolon;

14 (2) in paragraph (14), by striking the period at
 15 the end and inserting a semicolon; and

16 (3) by adding at the end the following:

17 “(15) the term ‘Administrator’ means, unless
 18 otherwise indicated, the Administrator of the Office
 19 of Information and Regulatory Affairs;

20 “(16) the term ‘economically significant regu-
 21 latory action’ means any regulatory action described
 22 in subparagraph (A) or (B) of paragraph (21);

1 “(17) the term ‘OIRA’ means the Office of In-
2 formation and Regulatory Affairs;

3 “(18) the term ‘regulation’—

4 “(A) means an agency statement of gen-
5 eral applicability and future effect, which the
6 agency intends to have the force and effect of
7 law, that is designed to implement, interpret, or
8 prescribe law or policy or to describe the proce-
9 dure or practice requirements of an agency; and

10 “(B) does not include such a statement
11 if—

12 “(i) issued in accordance with the for-
13 mal rule making provisions of sections 556
14 and 557 of title 5;

15 “(ii) the statement pertains to a mili-
16 tary or foreign affairs function of the
17 United States, other than procurement
18 regulations and regulations involving the
19 import or export of nondefense articles and
20 services;

21 “(iii) the statement is limited to an
22 agency organization, management, or per-
23 sonnel matters; or

24 “(iv) the statement is exempted as a
25 regulation by the Administrator and a

1 written explanation of the exemption, in-
2 cluding the date of the decision and the
3 reasons for exempting the specific state-
4 ment, is made publically available online;

5 “(19) the term ‘regulation identifier number’
6 means a unique identification code for regulations,
7 which is designed to assist tracking regulations
8 through the course of development;

9 “(20) the term ‘regulatory action’ means—

10 “(A) any substantive action by an agency
11 normally published in the Federal Register that
12 promulgates or is expected to lead to the pro-
13 mulgation of a final regulation, including no-
14 tices of inquiry, advance notices of proposed
15 rule making, and notices of proposed rule mak-
16 ing; or

17 “(B) any agency statement of general ap-
18 plicability and future effect, other than a sub-
19 stantive action described in subparagraph (A),
20 which sets forth a policy on a statutory, regu-
21 latory, or technical issue or an interpretation of
22 a statutory or regulatory issue;

23 “(21) the term ‘significant regulatory action’
24 means any regulatory action that is likely to result
25 in a regulation that may—

1 “(A) have an annual effect on the economy
2 of \$100,000,000 or more;

3 “(B) adversely affect in a material way the
4 economy, a sector of the economy, productivity,
5 competition, jobs, the environment, public
6 health or safety, or State, local, or tribal gov-
7 ernments or communities;

8 “(C) create a serious inconsistency or oth-
9 erwise interfere with an action taken or planned
10 by another agency;

11 “(D) materially alter the budgetary impact
12 of entitlements, grants, user fees, or loan pro-
13 grams or the rights and obligations of recipi-
14 ents therein; or

15 “(E) raise novel legal or policy issues aris-
16 ing out of legal mandates;

17 “(22) the term ‘small business’ has the mean-
18 ing given the term ‘small business concern’ in sec-
19 tion 3 of the Small Business Act (15 U.S.C. 632);
20 and

21 “(23) the term ‘State’ means each of the sev-
22 eral States, the District of Columbia, each territory
23 or possession of the United States, and each feder-
24 ally recognized Indian tribe.”.

1 (d) DEADLINE FOR ISSUANCE OF GUIDANCE.—Not
2 later than 180 days after the date of enactment of this
3 Act, the Administrator of the Office of Information and
4 Regulatory Affairs shall issue any guidance required by
5 section 3522 of title 44, United States Code, as added by
6 subsection (a).

7 (e) EFFECTIVE DATE.—Section 3524 of title 44, as
8 added by subsection (a), shall take effect 120 days after
9 the date of enactment of this Act.

10 **SEC. 3. NO ADDITIONAL FUNDS AUTHORIZED.**

11 No additional funds are authorized to carry out the
12 requirements of this Act and the amendments made by
13 this Act. Such requirements shall be carried out using
14 amounts otherwise authorized.

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