

Memorandum

TO: Reeve Bull

FROM: Safiya Hamit, Joseph Zimmerl, Matt Halldorson & Cynthia Anderson¹

Date: March 27, 2015

RE: Regulatory and Administrative Reform Legislation

INTRODUCTION

This memorandum provides a summary and current status for bills introduced in the 112th and 113th sessions of Congress (occurring between 2011 and 2014) that addresses regulatory reform. Beginning with the 114th session of Congress, the memorandum provides a summary and current status for legislation addressing regulatory and broader administrative reform. Note that this list may not be comprehensive.

Entries are in reverse chronological order based on the date the bill was introduced into Congress. However, House and Senate versions of the same bill are listed together based on the most recent introduction date. Links to relevant committee reports are provided where available.

This memorandum is the work product of Administrative Conference interns. It is intended solely for informational purposes, and the Conference makes no representation concerning its accuracy or completeness. The Conference intends to make periodic updates to the memorandum in order to reflect new developments; please contact ACUS Attorney Advisor Reeve T. Bull (rbull@acus.gov) if you notice any error or omission.

¹ Proposed bills last updated by Cynthia Anderson on February 4, 2015. Bill statuses last updated by Cynthia Anderson on March 27, 2015.

ADMINISTRATIVE REFORM LEGISLATION

114th Congress (2015-2016)			
STATUTE	SPONSOR	STATUS	SUMMARY
H.R. 690 Providing Accountability Through Transparency Act of 2015 Link	Rep. Blaine Luetkemeyer (R-MO-3)	Introduced: Feb. 3, 2015 Most Recent Action: Ordered to be reported by the Judiciary Committee on Mar. 24, 2015	<ul style="list-style-type: none"> Requires agencies to include a 100 word plain language summary of each rule promulgated through notice and comment rulemaking.
S. 337 FOIA Improvement Act of 2015 Link	Sen. John Cornyn (R-TX)	Introduced: Feb. 2, 2015 Most Recent Action: Placed on the Senate Legislative Calendar on Feb. 9, 2015 Committee Reports: Judiciary Committee	<ul style="list-style-type: none"> Requires information requested under FOIA to be made available in electronic format. Prohibits an agency for charging a fee to fulfill a request if it fails to meet the statutory deadlines for responding to a FOIA request. States that even if materials that would be returned under a FOIA request qualify as one of the statutory exemptions, the materials should not be withheld for the sole reason of protecting the agency from embarrassment. Requires the creation of a consolidated online request portal for all FOIA requests. Requires all agencies to have a Chief FOIA officer who will review requests, disclosures, and exemptions for compliance with the Act.
H.R. 579 THRIFT Act of 2015 Link	Rep. Daniel Webster (R-FL-10)	Introduced: Jan. 28, 2015 Most Recent Action: Referred to the Subcommittee on Courts, Intellectual Property, and the Internet on Feb. 19, 2015	<ul style="list-style-type: none"> Allows federal courts and agencies to submit a plan to retain for personnel purposes 5%-25% of any savings resulting from increased operating efficiency.
H.R. 580 Data Accountability and Trust Act Link	Rep. Bobby L. Bush (D-IL-1)	Introduced: Jan. 28, 2015 Most Recent Action: Referred to the Committee on Energy and Commerce on Jan. 28, 2015	<ul style="list-style-type: none"> Requires the FTC to promulgate rules requiring all persons engaged in interstate commerce that collects data containing personal information to implement policies and procedures regarding information security practices.
S. 177 Data Security and Breach Notification Act	Sen. Bill Nelson (D-FL)	Introduced: Jan. 13, 2015 Most Recent Action:	

114th Congress (2015-2016)			
STATUTE	SPONSOR	STATUS	SUMMARY
of 2015 Link		Referred to the Committee on Commerce, Science and Transportation on Jan. 13, 2015	
H.R. 527 Small Business Regulatory Flexibility Improvements Act of 2015 Link	Rep. Steve Chabot (R-OH-1)	Introduced: Jan. 26, 2015 Most Recent Action: Passed the House on Feb. 5, 2015; Received in the Senate on Feb. 9, 2015 Committee Reports: Judiciary Committee Rules Committee Bill Consideration Report	<ul style="list-style-type: none"> Requires agencies to include the North American Industrial Classification System sectors for which a rule will have an economic impact and a plain language summary for any proposed rules. Requires the Regulatory Flexibility Analysis to include an estimate of the number and types of small entities to be affected by a proposed rule. Requires final regulatory flexibility analyses to be made publicly available on an agency's website. Requires involvement by the SBA (i.e. prior notification to the SBA of proposed rules, including information on which the rule is based, to enable to SBA to issue a report detailing potential effect on small businesses and suggested alternatives to minimize harm and maximize benefits) in the rulemaking process for any rule that will have an annual effect on the economy of \$100M or more, or that will have a significant economic impact on a substantial number of small entities. Requires periodic review of enacted rules.
H.R. 522 Commission on the Accountability and Review of Federal Agencies Act Link	Rep. Doug Collins (R-GA-9)	Introduced: Jan. 26, 2015 Most Recent Action: Referred to the Rules Committee on Jan. 26, 2015	<ul style="list-style-type: none"> Establishes a commission charged with evaluating federal agencies every year for six years to determine whether: <ul style="list-style-type: none"> there are duplicate agencies or programs performing the same function in a manner that can be consolidated any agencies or programs have wasted federal funds through egregious spending or use of funds for personal benefit any agencies or programs have completed their intended purpose or have otherwise become irrelevant Terminates the commission 90 days after the sixth annual report is submitted, with each report providing recommendations as to realignment or elimination of agencies or programs.
S. 234* Regulatory Fairness Act of 2015 Link	Sen. David Vitter (R-LA)	Introduced: Jan. 22, 2015 Most Recent Action: Referred to the Committee on Environment and Public Works on Jan. 22, 2015	<ul style="list-style-type: none"> Limits the timeframe during which the EPA can prohibit use of a defined area as a disposal site for dredged or fill material to the time between when notice is published by the Secretary of the Army and when a permit is issued. Requires notice and comment before the EPA can make the requisite findings to deny or restrict use.
S. 54* Regulatory Fairness Act of	Sen. David Vitter (R-LA)	Introduced: Jan. 7, 2015	*Note – This bill was introduced two separate times by the same Senator under different bill numbers.

114th Congress (2015-2016)			
STATUTE	SPONSOR	STATUS	SUMMARY
2015 Link		Most Recent Action: Referred to the Committee on Environment and Public Works on Jan. 7, 2015	
S. 226 REINS Act of 2015 Link	Sen. Rand Paul (R-KY)	Introduced: Jan. 21, 2015 Most Recent Action: Referred to the Committee on Homeland Security and Governmental Affairs on Jan. 21, 2015	<ul style="list-style-type: none"> • Requires all proposed rules to include a classification as major or nonmajor. • Requires enactment of a joint resolution by Congress before a major rule can take effect. • Prohibits a major rule from taking effect if a joint resolution is not enacted within 70 session days.
H.R. 427 REINS Act of 2015 Link	Rep. Todd C. Young (R-IN-9)	Introduced: Jan. 21, 2015 Most Recent Action: Referred to the Subcommittee on Regulatory Reform, Commercial and Antitrust Law on Feb. 5, 2015.	
H.R. 445 Transparency in Rule Making When Using Scientific Testing Act of 2015 Link	Rep. Larry Bucshon (R-IN-8)	Introduced: Jan. 21, 2015 Most Recent Action: Referred to the Subcommittee on Regulatory Reform, Commercial and Antitrust Law on Feb. 19, 2015	<ul style="list-style-type: none"> • Requires agencies to include in their notice of proposed rulemaking any scientific research relevant to proposed rule.
H.R. 20 Government by the People Act of 2015 Link	Rep. John. P. Sarbanes (D-MD-3)	Introduced: Jan. 21, 2015 Most Recent Action: Referred to the Subcommittee on Communications and Technology on Jan. 23, 2015	<ul style="list-style-type: none"> • Creates the Government by the People Oversight Commission within the Federal Election Commission (FEC) to operate a voucher program for federal election contributions. • Provides the FEC with the ability to petition SCOTUS for a writ of certiorari to appeal a civil action to enforce the Federal Election Campaign Act of 1971. • Requires at least three willful failures to allow reasonable access to a broadcasting station or cable system before the FEC can revoke a broadcast station license or construction permit.
S. 189 Unfunded Mandates Information and	Sen. Deb Fischer (R-NE)	Introduced: Jan. 20, 2015 Most Recent Action:	<ul style="list-style-type: none"> • Requires independent regulatory agencies to comply with the reporting requirements of the Unfunded Mandates Reform Act of 1995. • Requires federal agencies to assess the effect of regulatory actions on

114th Congress (2015-2016)			
STATUTE	SPONSOR	STATUS	SUMMARY
Transparency Act of 2015 Link		Referred to the Committee on Homeland Security and Governmental Affairs on Jan. 20, 2015	<ul style="list-style-type: none"> state, local and tribal governments, and on the private sector. Requires agencies to include a cost benefit analysis, including qualitative and quantitative assessment, for any proposed or final rules with an annual effect of \$100M or more in one year. Increases consultation requirements during the rulemaking process with relation to state and local governments.
H.R. 50 Unfunded Mandates Information and Transparency Act of 2015 Link	Rep. Virginia Foxx (R-NC-5)	<p>Introduced: Jan. 6, 2015</p> <p>Most Recent Action: Passed the House on Feb. 4, 2015; Received in the Senate on Feb. 5, 2015</p> <p>Committee Reports: Oversight and Government Reform Committee</p> <p>Rules Committee Bill Consideration Report</p>	
S. 181 Startup Act Link	Sen. Jerry Moran (R-KS)	<p>Introduced: Jan. 16, 2015</p> <p>Most Recent Action: Referred to the Committee on Finance on Jan. 16, 2015</p>	<ul style="list-style-type: none"> Primarily related to immigration. As is relevant here, requires federal agencies to complete a cost benefit analysis and identify expected impact on state, local, and tribal governments before issuing a notice of proposed rulemaking for any major rule.
H.R. 352 Environmental Protection Agency Accountability Act of 2015 Link	Rep. Sean P. Duffy (R-WI-7)	<p>Introduced: Jan. 14, 2015</p> <p>Most Recent Action: Referred to the Subcommittee on Biotechnology, Horticulture, and Research on Jan. 26, 2015</p>	<ul style="list-style-type: none"> Rescinds \$20,000 per week from the EPA budget for each week it is not in compliance with certain enumerated statutes geared at regulatory reform. Designates the Comptroller General as the person responsible for determining whether the EPA is in compliance.
S. 110 Environmental Protection Agency Accountability Act of 2015 Link	Sen. Dean Heller (R-NV)	<p>Introduced: Jan. 7, 2015</p> <p>Most Recent Action: Referred to the Committee on Environment and Public Works on Jan. 7, 2015</p>	
H.R. 348 RAPID Act Link	Rep. Tom Marino (R-PA-10)	<p>Introduced: Jan. 14, 2015</p>	<ul style="list-style-type: none"> Requires agencies to coordinate efforts regarding environmental impact reports and other aspects of permitting for any construction projects undertaken by the Federal government or requiring a permit or regulatory

114th Congress (2015-2016)			
STATUTE	SPONSOR	STATUS	SUMMARY
		<p>Most Recent Action: Ordered to be reported by the Judiciary Committee on Mar. 24, 2015</p>	<p>approval by a Federal agency.</p> <ul style="list-style-type: none"> Prohibits agencies from later opposing permits or licenses based on environmental review if they decline to become a participating agency in the environmental review for a project.
H.R. 351 LNG Permitting Certainty and Transparency Act Link	Rep. Bill Johnson (R-OH-6)	<p>Introduced: Jan. 14, 2015</p> <p>Most Recent Action: Passed the House on Jan. 28, 2015; Received in the Senate on Jan. 29, 2015</p> <p>Committee Reports: Rules Committee Bill Consideration Report</p>	<ul style="list-style-type: none"> Requires the Department of Energy to issue a decision on applications for authorization to export natural gas within <i>30 days</i> after the relevant LNG site review has been completed. Provides for appellate review of any civil action alleging that the DOE failed to meet the 30 day timeline and the ability to issue a decision mandating compliance within 30 days. <p>* Note – Despite the different titles, H.R. 89 is essentially the same as H.R. 351. ** Note – S. 33 provides for a 45 days deadline, rather than a 30 day deadline. It is otherwise substantially the same.</p>
H.R. 89 Domestic Prosperity and Global Freedom Act * Link	Rep. Jim Bridenstine (R-OK-1)	<p>Introduced: Jan. 6, 2015</p> <p>Most Recent Action: Referred to the Subcommittee on Energy and Power on Jan. 9, 2015</p>	
S. 33 LNG Permitting Certainty and Transparency Act** Link	Sen. John Barrasso (R-WY)	<p>Introduced: Jan. 6, 2015</p> <p>Most Recent Action: Hearings held by the Committee on Energy and National Resources on Jan. 29, 2015</p>	
S. 156 Energy Consumers Relief Act of 2015 Link	Sen. Bill Cassidy (R-LA)	<p>Introduced: Jan. 13, 2015</p> <p>Most Recent Action: Referred to the Committee on Environment and Public Works on Jan. 13, 2015</p>	<ul style="list-style-type: none"> For any proposed energy-related rule with an estimated cost of more than \$1B, requires the EPA to (1) submit a report to Congress detailing costs and benefits, including effect on energy prices and employment; and (2) prepare an independent analysis with FERC and the EIA to determine the potential impact on energy supply and prices Prohibits the use of the “social cost of carbon” in calculating the benefits of such a proposed rule.
H.R. 211 REBUILD Act Link	Rep. Ken Calvert (R-CA-42)	<p>Introduced: Jan. 8, 2015</p> <p>Most Recent Action: Referred to the Natural Resources Committee on Jan. 8, 2015</p>	<ul style="list-style-type: none"> Allows a federal agency to assign all environmental review responsibilities for a construction project under the National Environmental Policy Act of 1969 to a state, upon agreement between the state and the agency.

114th Congress (2015-2016)			
STATUTE	SPONSOR	STATUS	SUMMARY
H.R. 195 Election Assistance Commission Termination Act Link	Rep. Gregg Harper (R-MS-3)	Introduced: Jan. 7, 2015 Most Recent Action: Ordered to be reported by the House Administration Committee on Mar. 4, 2015	<ul style="list-style-type: none"> Terminates the Election Assistance Commission (EAC), its board, and its advisors. Transfers specified EAC functions to the Federal Election Commission.
H.R. 185 Regulatory Accountability Act of 2015 Link	Rep. Bob Goodlatte (R-VA-6)	Introduced: Jan. 7, 2015 Most Recent Action: Passed the House on Jan. 13, 2015; Received in the Senate on Jan. 16, 2015 Committee Reports: Rules Committee Bill Consideration Report	<ul style="list-style-type: none"> Requires agencies to base all preliminary and factual determinations on evidence when making a rule, including assessing reasonable alternatives and potential costs and benefits. Requires agencies to publish advance notice of proposed rulemaking for major and high-impact (annual cost to the economy of \$1B or more) rules, rules with a negative impact on jobs and wage, and rules addressing novel legal or policy issues arising out of statutory mandates. The notice must include: <ul style="list-style-type: none"> the nature and significance of the problem to be addressed the legal authority for the rule the nature of any novel legal or policy position and the reasons for it a solicitation for written data, views, or arguments Requires formal rulemaking procedures for high-impact rules, unless the required hearing is waived by all participants. Expands judicial review of agency rulemaking by allowing for immediate review of rulemaking not in compliance with notice requirements. Establishes a substantial evidence standard for affirming agency rulemaking decisions, which requires relevant evidence sufficient for a reasonable mind to accept as adequate to support a conclusion.
H.R. 183 Federal Sunset Act of 2015 Link	Rep. Richard Hudson (R-NC-8)	Introduced: Jan. 7, 2015 Most Recent Action: Referred to the Committee on Oversight and Government Reform on Jan. 7, 2015	<ul style="list-style-type: none"> Creates the Federal Agency Sunset Commission, whose purpose will be to: <ul style="list-style-type: none"> Review all federal agencies on a scheduled basis to determine the efficiency of operation and degree of public need. Make recommendations as to whether each agency should be abolished, reorganized, or consolidated with another agency. The Commission will be composed of members from the House and the Senate.
S. 168 Regulatory Responsibility for our	Sen. Pat Roberts (R-KS)	Introduced: Jan. 13, 2015 Most Recent Action:	<ul style="list-style-type: none"> Imposes requirements for federal agency rulemaking procedures (other than for rules issued under formal rulemaking procedures), including: <ul style="list-style-type: none"> consideration of a cost benefit analysis, including by independent regulatory agencies

114th Congress (2015-2016)			
STATUTE	SPONSOR	STATUS	SUMMARY
Economy Act of 2015 Link		Referred to the Committee on Homeland Security and Government Affairs on Jan. 13, 2015	<ul style="list-style-type: none"> tailoring regulations to have the least burden while maximizing benefits except for emergency rules, providing an opportunity for the public to comment on proposed rules for at least 60 days promoting innovation, flexibility, and objectivity establishing standards for retrospective review of regulations.
S. 11 ENFORCE the Law Act of 2015 Link	Sen. Roy Blunt (R-MO)	<p>Introduced: Jan. 6, 2015</p> <p>Most Recent Action: Referred to the Judiciary Committee on Jan. 6, 2015</p>	<ul style="list-style-type: none"> Prohibits any officer or employee of the United States from implementing a formal or informal policy to refrain from enforcing, applying, following, or administering any Federal statute, rule, or regulation. Authorizes either House of Congress to bring a civil action if the statute is violated.
H.R. 104 Cyber Privacy Fortification Act of 2015 Link	Rep. John Conyers, Jr. (D-MI-13)	<p>Introduced: Jan. 6, 2015</p> <p>Most Recent Action: Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations on Jan. 22, 2015</p>	<ul style="list-style-type: none"> In relevant part, requires federal agencies to include privacy impact assessments in proposed and final agency rules. Allows the requirement to be waived for emergency and national security reasons. Requires periodic review of promulgated rules with a significant privacy impact to determine whether the effect can be minimized.
H.R. 161 Natural Gas Pipeline Permitting Reform Act Link	Rep. Mike Pompeo (R-KS-4)	<p>Introduced: Jan. 6, 2015</p> <p>Most Recent Action: Passed the House on Jan. 21, 2015; Received in the Senate on Jan. 22, 2015</p> <p>Committee Reports: Rule Committee Bill Consideration Report</p>	<ul style="list-style-type: none"> Requires the FERC to approve or deny any certificate of public convenience and necessity for natural gas pipeline projects within 12 months of receiving a complete application. Requires other agencies to approve or deny licenses or permits for such projects within 90 days of receiving the final FERC environmental document for the project.
H.R. 116 Small Business Freedom of Commerce Act of 2015 Link	Rep. Scott Garrett (R-NJ-5)	<p>Introduced: Jan. 6, 2015</p> <p>Most Recent Action: Referred to the Committee on Small Business on Jan. 6, 2015</p>	<ul style="list-style-type: none"> Allows small businesses to choose to opt out of any federal rule or regulation that went into effect on or after Jan. 20, 2009. Requires small businesses to communicate to customers that it is not subject to any regulation that was opted out of.
H.R. 37 Promoting Job Creation and	Rep. Michael G. Fitzpatrick (R-PA-8)	<p>Introduced: Jan. 5, 2015</p>	<ul style="list-style-type: none"> In relevant part, requires the SEC to revise current regulations to reduce the burden on small issuers while still providing all material information to investors.

114th Congress (2015-2016)

STATUTE	SPONSOR	STATUS	SUMMARY
Reducing Small Business Burdens Act Link		<p>Most Recent Action: Passed the House on Jan. 14, 2015; Received in the Senate on Jan. 16, 2015</p> <p>Committee Reports: Rules Committee Bill Consideration Report</p>	<ul style="list-style-type: none"> Requires the SEC to eliminate duplicative, overlapping, outdated, or unnecessary provisions in regulation S-K.
H.R. 113 Federal Reserve Accountability and Transparency Act of 2015 Link	Rep. Scott Garrett (R-NJ-5)	<p>Introduced: Jan. 6, 2015</p> <p>Most Recent Action: Referred to the Financial Services Committee on Jan. 6, 2015</p>	<ul style="list-style-type: none"> Requires the Federal Reserve to conduct a cost benefit analysis of regulatory alternatives and choose the approach that maximizes net benefits. Requires a post-adoption impact assessment for any major rule. Requires the Federal Reserve to issue regulations for nonbank financial company stress test conditions.
H.R. 115 Freedom of Travel Act of 2015 Link	Rep. Scott Garrett (R-NJ-5)	<p>Introduced: Jan. 6, 2015</p> <p>Most Recent Action: Referred to the Subcommittee on Transportation Security on Jan. 23, 2015</p>	<ul style="list-style-type: none"> Nullifies authorization for the TSA to perform security screening operations other than screening passengers and property or prescribing standards of employment for air carrier or airport security personnel.

REGULATORY REFORM LEGISLATION

113 TH CONGRESS (2013-2014)			
STATUTE	SPONSOR	STATUS	SUMMARY
S. 3011 SCRUB Act of 2014 Link	Sen. Orrin G. Hatch (R-UT)	Introduced: Dec. 12, 2014 Most Recent Action: Referred to the Committee on Homeland Security and Governmental Affairs on Dec. 12, 2014	<ul style="list-style-type: none"> Creates a commission to review the CFR for rules that impose too high a cost on the economy based on certain defined criteria. Requires agencies to offset the economic cost of a new rule by repealing an existing rule.
H.R. 4874 SCRUB Act of 2014 (Searching for and Cutting Regulations that are Unnecessarily Burdensome) Link	Rep. Jason T. Smith (R-MO-8)	Introduced: June 17, 2014 Most Recent Action: Reported on by the Judiciary Committee on Dec. 12, 2014 Committee Reports: Judiciary Committee	
S. 2988 Regulatory Cost Assessment Act of 2014 Link	Sen. Mike Lee (R-UT)	Introduced: Dec. 8, 2014 Most Recent Action: Referred to the Committee on Homeland Security and Government Affairs on Dec. 8, 2014	<ul style="list-style-type: none"> Requires agencies to either 1) follow notice and comment procedures or 2) file a detailed report with Congress before issuing a “guidance document” rather than a rule. Requires agencies to conduct detailed cost-benefit analyses for significant alternatives to proposed rules.
H.R. 5801 Providing Accountability Through Transparency Act of 2014 Link	Rep. Blaine Luetkemeyer (R-MO-3)	Introduced: Dec. 4, 2014 Most Recent Action: Referred to the Subcommittee on Regulatory Reform, Commercial and Antitrust Law on Dec. 18, 2014	<ul style="list-style-type: none"> Requires a 100 word plain language explanation of any proposed rule on regulations.gov.
S. 2931 Unfunded Mandates Accountability Act of 2014 Link	Sen. Rob Portman (R-OH)	Introduced: Nov. 17, 2014 Most Recent Action: Referred to the Committee on Homeland Security and Governmental Affairs on Nov.	<ul style="list-style-type: none"> Amends the Unfunded Mandates Reform Act of 1995 to provide for regulatory impact analyses for certain rules and consideration of the least burdensome regulatory alternative. <ul style="list-style-type: none"> Requires any rule that will have a \$100M annual impact on the economy to be accompanied by a regulatory impact analysis report.

113TH CONGRESS (2013-2014)

STATUTE	SPONSOR	STATUS	SUMMARY
H.R. 4655 Unfunded Mandates Accountability Act of 2013 [sic] Link	Rep. Kevin Yoder (R-KS-3)	17, 2014 Introduced: May 9, 2014 Most Recent Action: Referred to the Subcommittee on Regulatory Reform, Commercial and Antitrust Law on Jul. 21, 2014	<ul style="list-style-type: none"> • The report must contain: <ul style="list-style-type: none"> • benefits and costs of the proposed rule • benefits and costs of alternatives to the rule • areas of country where the rule will have a disproportionate impact • a statement of whether there was any communication between state representatives and agency rule makers.
H.R. 899 Unfunded Mandates Information and Transparency Act of 2014 Link	Rep. Virginia Foxx (R-NC-5)	Introduced: Feb. 28, 2013 Most Recent Action: Passed the House on Feb. 28, 2014; Received in the Senate on Mar. 4, 2014 Committee Reports: Oversight and Government Reform Committee Rules Committee Bill Consideration Report	<ul style="list-style-type: none"> • Extends reporting requirements under the Congressional Budget Act of 1974 to independent regulatory agencies, except for the Federal Reserve and the Federal Open Market Committee. • Amends the Unfunded Mandates Reform Act of 1995 to require agencies (not including independent regulatory agencies) to: <ul style="list-style-type: none"> • Identify the problem to be addressed and its significance • Determine whether the problem was created or contributed to by existing regulation, and whether such regulation should be modified instead of creating a new one • Assess whether incentives could be used to encourage desired behaviors, rather than imposing direct regulation • Design regulations in the most cost-effective manner to achieve the objective • Propose or adopt regulation only upon a reasoned determination that the benefits justify the cost • Base decisions on the best scientific, technical, and economic information reasonable available • Identify and assess alternative options • Avoid inconsistent and duplicative regulations, both internally and for those of other agencies • Minimize cumulative costs of regulation • Minimize uncertainty by drafting regulations to be easy to understand. • For rules with an annual aggregate effect of \$100M or more, requires agencies to prepare a written statement saying: <ul style="list-style-type: none"> • The reason for the rule and an explanation of how the rule addresses the identified need • An assessment of the costs and benefits, including how the rule is consistent with statutory requirements and does not unduly interfere

113TH CONGRESS (2013-2014)

STATUTE	SPONSOR	STATUS	SUMMARY
			<p>with state, local, and tribal governments</p> <ul style="list-style-type: none"> • Estimates of future compliance costs and any anticipated disproportionate effects on particular regions, states, or segments of the private sector • A description of the extent of prior consultation with private sector and state, local, and tribal governments. • Requires consultations with state, local, and tribal governments as early as possible before issuing a notice of proposed rulemaking, including providing an estimate of costs and benefits to assist in the consultations. • Requires agencies to conduct a retrospective analysis of existing regulations if requested by the chairman or ranking minority member of any House or Senate committee.
<p>S. 2814 National Labor Relations Board Reform Act of 2014 Link</p>	<p>Sen. Lamar Alexander (R-TN)</p>	<p>Introduced: Sept. 16, 2014</p> <p>Most Recent Action: Referred to the Committee on Health, Education, Labor, and Pensions on Sept. 16, 2014.</p>	<ul style="list-style-type: none"> • Reforms the NLRB by adding a sixth member appointed by the President with the advice and consent of the Senate, but only after consultation with the leaders of the opposition party. • Requires each major political party to have an equal number of members on the board. • Requires the board to issue a final order on appeals of an administrative law judge within one year and imposes decreased appropriations if the board does not meet a 90% issuance rate within two years of enactment.
<p>S. 2829 Financial Regulatory Clarity Act of 2014 Link</p>	<p>Sen. Roger Wicker (R-MS)</p>	<p>Introduced: Sep. 16, 2014</p> <p>Most Recent Action: Referred to Committee on Banking, Housing and Urban Affairs on Sep 16, 2014</p>	
<p>H.R. 4466 Financial Regulatory Clarify Act of 2014 Link</p>	<p>Rep. Shelley Capito (R-WV-2)</p>	<p>Introduced: Apr. 10, 2014</p> <p>Most Recent Action: Ordered to be Reported on May 22, 2014</p> <p>Committee Reports: House Financial Services 2014 Activity Report</p>	<ul style="list-style-type: none"> • Requires financial regulators to determine whether new regulations or orders are duplicative or inconsistent with existing Federal regulations.
<p>S. 2747 Small Business</p>	<p>Sen. Mark Kirk</p>	<p>Introduced: Jul. 31, 2014</p>	<ul style="list-style-type: none"> • Requires review of existing rules having a significant economic impact on small entities.

113TH CONGRESS (2013-2014)

STATUTE	SPONSOR	STATUS	SUMMARY
Regulatory Sunset Act of 2014 Link	(R-IL)	Most Recent Action: Referred to the Committee on Homeland Security and Governmental Affairs on Jul. 31, 2014	<ul style="list-style-type: none"> Imposes a 7-year sunset provision on covered rules unless renewed by the agency using the notice and comment rulemaking process.
H.R. 5184 National Regulatory Budget Act of 2014 Link	Rep. Steve Scalise (R-LA-1)	Introduced: Jul. 24, 2014 Most Recent Action: Referred to the Subcommittee on Regulatory Reform, Commercial and Antitrust Law on Sept. 26, 2014	<ul style="list-style-type: none"> Creates a new independent executive branch agency, the Office of Regulatory Analysis. The agency will be required: <ul style="list-style-type: none"> to publish a regulatory analysis for proposed rules with an annual economic impact in excess of \$25 million. to create a “regulatory budget” for agencies. Agencies will be prevented from promulgating new rules if their regulatory budget is surpassed. <p>*Note – the bills do not contain any required interaction with OIRA.</p>
S. 2153 National Regulatory Budget Act of 2014 Link	Sen. Marco Rubio (R-FL)	Introduced: Mar. 25, 2014 Most Recent Action: Referred to the Committee on Homeland Security and Governmental Affairs on Mar. 25, 2014	
H. Amdt. 1114 (Amends H.R. 3136) Link	Rep. Trey Gowdy (R-SC-4)	Offered: Jul. 23, 2014 Most Recent Action: Agreed to by voice vote on Jul. 23, 2014	<ul style="list-style-type: none"> In relevant part, creates a Regulatory Reform Task Force to make recommendations to reduce unnecessary higher education regulations.
H.R. 3136 Advancing Competency-Based Education Demonstration Project Act of 2014 Link	Rep. Matt Salmon (R-AZ-5)	Introduced: Sept. 19, 2013 Most Recent Action: Passed the House on Jul. 23, 2014. Received in the Senate on Jul. 24, 2014 Committee Reports: Rules Committee Bill Consideration Report	
H.R. 5034 Stop the EPA Act of 2014 Link	Rep. Sam Graves (R-MO-6)	Introduced: Jul. 9, 2014 Most Recent Action: Referred to the Subcommittee on	

113 TH CONGRESS (2013-2014)			
STATUTE	SPONSOR	STATUS	SUMMARY
		Regulatory Reform, Commercial and Antitrust Law on Sept. 2, 2014	<p>are planned to occur.</p> <ul style="list-style-type: none"> Requires Congress to pass a joint resolution before any major rule promulgated by the EPA can take effect. If Congress does not pass a joint resolution, the rule cannot be considered again by the same Congress.
H.R. 4646 Regulatory Improvement Act of 2014 Link	Rep. Patrick Murphy (D-FL-18)	<p>Introduced: May 9, 2014</p> <p>Most Recent Action: Referred to House Rules Committee on May 9, 2014</p>	<ul style="list-style-type: none"> Creates a commission tasked with reviewing regulations finalized “not later than 10 years before the date on which the Commission is established” and writing a report to recommend which should be repealed or amended. Once the commission’s report is complete, requires the House and Senate to introduce the recommended changes to their respective floors. Prohibits amendment to the commission bill by either the House or the Senate. Requires affected agencies to enact changes within 180 days for any commission bill that is passed by Congress.
S. 1390 Regulatory Improvement Act of 2013 Link	Sen. Angus S. King, Jr. (I-ME)	<p>Introduced: Jul. 30, 2013</p> <p>Most Recent Action: Hearing in the Senate Homeland Security and Government Affairs Subcommittee on Mar. 11, 2014</p>	
S. 2099 Sound Regulation Act of 2014 Link	Sen. Daniel Coats (R-IN)	<p>Introduced: Mar. 10, 2014</p> <p>Most Recent Action: Referred to the Committee on Homeland Security and Government Affairs on Mar. 10, 2014</p>	
H.R. 3863 Sound Regulation Act of 2014 Link	Rep. Kevin Brady (R-TX-8)	<p>Introduced: Jan. 14, 2014</p> <p>Most Recent Action: Referred to the Subcommittee on Regulatory Reform, Commercial And Antitrust Law on Mar. 20, 2014</p>	<ul style="list-style-type: none"> Creates additional cost-benefit analysis requirements for agency rulemaking and impose compliance auditing requirements Requires a minimum of three regulatory options to be considered when addressing a regulatory objective. Requires agencies to conduct a review every four years of all of their respective regulations in effect to determine whether rules: (1) work as intended; (2) further intended objectives; (3) impose unanticipated costs; and (4) generate net benefit.
S. 1730 CURB Act (Clearing Unnecessary Regulatory Burdens)	Sen. Susan Collins (R-ME)	<p>Introduced: Nov. 19, 2013</p> <p>Most Recent Action: Referred to the Committee on Homeland Security and Government Affairs on Nov.</p>	<ul style="list-style-type: none"> For each significant regulatory action, each agency shall <ul style="list-style-type: none"> Submit a report to the Office of Information and Regulatory Affairs that includes an assessment, including: <ul style="list-style-type: none"> the underlying analysis, of benefits anticipated, a quantification of the benefits, costs anticipated,

113TH CONGRESS (2013-2014)

STATUTE	SPONSOR	STATUS	SUMMARY
Link		19, 2013	<ul style="list-style-type: none"> ○ a quantification of the costs assessed, ○ costs and benefits of potentially effective and reasonably feasible alternatives. ● Develop or have written procedures for the approval of significant guidance documents. ● Maintain on its website a list of such documents in effect and establish and advertise on its website a means for the public to electronically submit comments. ● Publish a notice in the Federal Register announcing that a draft of an economically significant guidance document is available
H.R. 3341 VALUE Act of 2013 Link	Rep. Jack Kingston (R-GA-1)	<p>Introduced: Oct. 24, 2013</p> <p>Most Recent Action: Referred to the Subcommittee on Regulatory Reform, Commercial and Antitrust Law on Jan. 9, 2014</p>	<ul style="list-style-type: none"> ● When promulgating a rule, requires federal agencies to (1) clearly identify the problem intended to be addressed by the rule; (2) provide a cost/benefit analysis; and (3) identify and analyze alternatives. ● Requires OMB to review all agency rules every five years and perform a cost/benefit analysis. The results of the review would be reported to the head of the agency.
H.R. 2997 One In, Two Out Act Link	Rep. Michael T. McCaul (R-TX-10)	<p>Introduced: Aug. 2, 2013</p> <p>Most Recent Action: Referred to the Subcommittee on Regulatory Reform, Commercial and Antitrust Law on Sept. 13, 2013</p>	<ul style="list-style-type: none"> ● Prohibits agencies from issuing a major rule unless it has repealed two or more major rules that are related to the proposed rule. ● Requires rules to be repealed to be published in the Federal Register. ● However, the requirement would not apply to proposed rules that would make current regulations less burdensome.
H.R. 2804 ALERRT Act of 2014 (Achieving Less Excess in Regulation and Requiring Transparency) Link	Rep. George Holding (R-NC-13)	<p>Introduced: Jul. 24, 2013</p> <p>Most Recent Action: Passed the House on Feb. 27, 2014; Received in the Senate on March 4, 2014</p> <p>Committee Reports: Committee on Oversight and Government Reform pt. 1 Committee on Oversight and Government Reform pt. 2 Rule Committee Bill Consideration Report</p>	<ul style="list-style-type: none"> ● On a monthly basis, requires agency heads to submit to OIRA a report containing the following on rules expected to be proposed or finalized that year: (1) summary of the rule; (2) objectives and legal basis; (3) current stage of rulemaking; (4) whether the rule is subject to periodic review; and (5) estimates of costs and economic effect. ● Upon receiving report, OIRA shall make it available to the public. ● OIRA Administrator should state whether an agency did a cost-benefit analysis before passing a law. ● Where public notice on the Internet is required, no rule can become effective until required information has been available for at least 6 months. ● In rulemaking, an agency must state: (1) the legal authority for rule; (2) what problem the rule is addressing and the extent of the problem; (3)

113TH CONGRESS (2013-2014)

STATUTE	SPONSOR	STATUS	SUMMARY
			<p>whether existing rules have exacerbated the problem; (4) alternatives to the proposed rule; (5) what the effect would be without any rule; and (6) potential local response without any rule.</p> <ul style="list-style-type: none"> • Before passing any significant rule, the agency must conduct a public hearing. • Agencies must periodically review rules issued by agencies to determine whether some rules should be continued. The findings of the review should be sent to OIRA who will then make it public.
<p>H.R. 2593 Cost-Benefit and Regulatory Transparency Enhancement Act of 2013 Link</p>	<p>Rep. Duncan D. Hunter (R-CA-50)</p>	<p>Introduced: June 28, 2013</p> <p>Most Recent Action: Referred to the Subcommittee on Regulatory Reform, Commercial and Antitrust Law on Jul. 15, 2013</p>	<ul style="list-style-type: none"> • Requires agencies to provide Congress with a report for proposed rules containing a cost-benefit analysis and a description of the methods used in conducting the analysis.
<p>H.R. 2542 Regulatory Flexibility Improvements Act of 2013 Link</p>	<p>Rep. Spencer Bachus (R-AL-6)</p>	<p>Introduced: June 27, 2013</p> <p>Most Recent Action: Placed on the Union Calendar on Dec. 11, 2013</p> <p>Committee Reports: Judiciary Committee Small Business Committee</p>	<ul style="list-style-type: none"> • Requires regulatory flexibility analyses describing alternatives to proposed rules that would minimize adverse significant economic impact, or maximize beneficial significant economic impact, on small entities. • Makes the Regulatory Flexibility Improvements Act of 1980 applicable to all interpretive rules involving a recordkeeping requirement under internal revenue laws. • Requires agencies to provide advance notice to the Small Business Association’s Chief Counsel of proposed rules, including the materials used to prepare the proposed rules and information on the potential economic impact on small businesses.
<p>S. 1173 Independent Agency Regulatory Analysis Act of 2013 Link</p>	<p>Sen. Rob Portman (R-OH)</p>	<p>Introduced: June 18, 2013</p> <p>Most Recent Action: Referred to the Committee on Homeland Security and Government Affairs on June 18, 2013</p>	<ul style="list-style-type: none"> • Authorizes the President to require independent regulatory agencies to <ul style="list-style-type: none"> • comply with regulatory analysis requirements applicable to other federal agencies; • provide the Administrator of OIRA with an assessment of the costs and benefits of a proposed or final economically significant rule; • submit any significant rule to the Administrator for review. • Prohibits judicial review of compliance with the Act.
<p>H.R. 2218 Coal Residuals Reuse and Management</p>	<p>Rep. David B. McKinley (R-WV-1)</p>	<p>Introduced: June 3, 2013</p> <p>Most Recent Action:</p>	<ul style="list-style-type: none"> • Amends the Solid Waste Disposal Act (SWDA) to authorize each State to adopt and implement a coal combustion residuals permit program. • The head of the lead State implementing agency (as designated by the state) shall submit to the EPA a certification that includes identification

113TH CONGRESS (2013-2014)

STATUTE	SPONSOR	STATUS	SUMMARY
<p>Act of 2013 Link</p>		<p>Passed the House on Jul. 23, 2013; Received in the Senate Jul. 30, 2013</p> <p>Committee Reports: House Energy and Commerce Committee Rules Committee Bill Consideration Report</p>	<p>of any other State agencies involved with the implementation, description how the State will ensure that the coal combustion residuals permit program meets requirements.</p> <ul style="list-style-type: none"> • The revised criteria described are criteria for design, groundwater monitoring, corrective action, closure, and post-closure, for structures, location restrictions, criteria for air quality, financial assurance, surface water, and recordkeeping, landfills and other land-based units, and surface impoundments. • If the EPA determines that a State determination under this paragraph does not accurately reflect the needs for the management of coal combustion residuals in the State, the EPA may treat such State determination as a deficiency. Uncorrected deficiencies may result in implementation of a permit program by the EPA, rather than by the State.
<p>S. 1029 Regulatory Accountability Act of 2013 Link</p>	<p>Sen. Rob Portman (R-OH)</p>	<p>Introduced: May 23, 2013</p> <p>Most Recent Action: Referred to the Committee on Homeland Security and Government Affairs on Mar. 3, 2014</p>	<ul style="list-style-type: none"> • Requires agencies to base all preliminary and factual determinations on evidence when making a rule, including assessing reasonable alternatives and potential costs and benefits. • Requires agencies to publish advance notice of proposed rulemaking for major and high-impact (annual cost to the economy of \$1B or more) rules, rules with a negative impact on jobs and wage, and rules addressing novel legal or policy issues arising out of statutory mandates. The notice must include: <ul style="list-style-type: none"> • the nature and significance of the problem to be addressed • the legal authority for the rule • the nature of any novel legal or policy position and the reasons for it • a solicitation for written data, views, or arguments
<p>H.R. 2122 Regulatory Accountability Act of 2013 Link</p>	<p>Rep. Bob Goodlatte (R-VA-6)</p>	<p>Introduced: May 23, 2013</p> <p>Most Recent Action: Placed on the Union Calendar on Sept. 28, 2013</p> <p>Committee Reports: Judiciary Committee</p>	<ul style="list-style-type: none"> • Requires formal rulemaking procedures for high-impact rules, unless the required hearing is waived by all participants. • Expands judicial review of agency rulemaking by allowing for immediate review of rulemaking not in compliance with notice requirements. • Establishes a substantial evidence standard for affirming agency rulemaking decisions, which requires relevant evidence sufficient for a reasonable mind to accept as adequate to support a conclusion.
<p>S. 807 Plain Writing</p>	<p>Sen. Claire McCaskill</p>	<p>Introduced: Apr. 24, 2013</p>	<ul style="list-style-type: none"> • Requires agencies to use plain writing, as defined by guidance to be

113TH CONGRESS (2013-2014)

STATUTE	SPONSOR	STATUS	SUMMARY
Act for Regulations of 2013 Link	(D-MO)	Most Recent Action: Referred to the Committee on Homeland Security and Governmental Affairs on Apr. 24, 2013	developed by OMB, when promulgating rules. <ul style="list-style-type: none"> To ensure plain writing is used, requires the designation of a senior official to oversee implementation of the requirements and publication of annual reports.
H.R. 1557 Plain Regulations Act of 2013 Link	Rep. Bruce L. Braley (D-IA-1)	Introduced: Apr. 15, 2013 Most Recent Action: Referred to the House Oversight and Government Reform Committee on Apr. 15, 2013	
S. 786 Restoring Honesty for our Economy Act Link	Sen. Pat Roberts (R-KS)	Introduced: Apr. 23, 2013 Most Recent Action: Referred to the Committee on Homeland Security and Governmental Affairs on Apr. 23, 2013	<ul style="list-style-type: none"> Requires agencies to identify and quantify (or describe why it is not possible to do so) all costs associated with a proposed economically significant regulation prior to finalization.
H.R. 1493 Sunshine for Regulatory Decrees and Settlements Act of 2013 Link	Rep. Doug Collins (R-GA-9)	Introduced: Apr. 11, 2013 Most Recent Action: Placed on the Union Calendar on Sep. 26, 2013 Committee Reports: Judiciary Committee	<ul style="list-style-type: none"> Require agencies being sued in a civil action to publish the notice of intent to sue and complaint. Requires agencies to publish in the Federal Register covered consent decrees and settlement agreements, and requires the agency to accept public comments.
H.R. 1287 Sound Science Act of 2013 Link	Rep. Stephen Lee Fincher (R-TN-8)	Introduced: Mar. 20, 2013 Most Recent Action: Referred to the Committee on Oversight and Government Reform on Mar. 20, 2013	<ul style="list-style-type: none"> Requires federal agencies to have guidelines ensuring the quality, objectivity, utility and integrity of scientific information relied on to make policy decisions.
H.R. 309 Regulatory Sunset and Review Act	Rep. Randy Hultgren (R-IL-14)	Introduced: Jan. 13, 2013 Most Recent Action:	<ul style="list-style-type: none"> Requires agencies to periodically review major and/or significant rules and amend, consolidate, or terminate the rules if appropriate. In reviewing rules, requires agencies to solicit comments regarding: <ul style="list-style-type: none"> Direct and indirect costs of the rule

113TH CONGRESS (2013-2014)

STATUTE	SPONSOR	STATUS	SUMMARY
Link		Referred to the Subcommittee on Regulatory Reform, Commercial and Antitrust Law on Feb. 28, 2013	<ul style="list-style-type: none"> • Whether the rule or any subsection of the rule is outdated or obsolete due to changes in technology or the marketplace • To what degree the rule duplicated or conflicted with rules of other agencies • A comparison of the perceived and actual risks addressed by a rule concerning health, safety, or the environment • The effect of a rule on domestic or international competition or other free market forces • Whether the rule imposed unfunded mandates on state and local governments • Whether a compliance with a rule required substantial capital investment, and whether termination would put those not in compliance at an unfair advantage • Whether a rule was the least cost method for achieving its goal, and whether it provided flexibility to those subject to the rule • Whether the rule was worded simply and clearly • Any unintended negative consequences • Whether information requirements could be reduced • Positive benefits of the rule.

REGULATORY REFORM LEGISLATION

112 TH CONGRESS (2011-2012)			
STATUTE	SPONSOR	STATUS	SUMMARY
H.R. 6333 Sunset Act of 2012 Link	Rep. Steve King (R-IA-5)	Introduced: Aug. 2, 2012 Most Recent Action: Referred to the Subcommittee on Courts, Commercial and Administrative Law on Sep. 7, 2012	<ul style="list-style-type: none"> • Every three months, each agency must submit to Congress a report including each rule the agency promulgated during the covered period. • No rule can be implemented unless Congress enacts a joint resolution approving the regulation. • Excludes rules related to rules (1) approving future rates, wages, prices, services, or allowances; (2) relating to agency management or personnel; or (3) relating to agency organization, procedure, or practice.
S. 3468 Independent Regulatory Analysis Act of 2012 Link	Sen. Rob Portman (R-OH)	Introduced: Aug. 1, 2012 Most Recent Action: Referred to the Committee on Homeland Security and Government Affairs on Aug. 1, 2012	<ul style="list-style-type: none"> • Authorizes the President to require independent regulatory agencies to <ul style="list-style-type: none"> • comply with regulatory analysis requirements applicable to other federal agencies • provide the Administrator of OIRA with an assessment of the costs and benefits of a proposed or final significant rule • submit to the Administrator for review any proposed or final significant rule.
S. 2368 Midnight Rule Relief Act of 2012 Link	Sen. Ron Johnson (R-WI)	Introduced: Apr. 25, 2012 Most Recent Action: Referred to the Committee on Homeland Security and Governmental Affairs on April 25, 2012	
H.R. 4607 Midnight Rule Review Act of 2012 Link	Rep. Reid J. Ribble (R-WI-8)	Introduced: Apr. 24, 2012 Most Recent Action: Placed on the Union Calendar on June 1, 2012 Committee Reports: Committee on Oversight and Government Reform	<ul style="list-style-type: none"> • Prohibits an agency from proposing or finalizing any midnight rule that OIRA finds is significant or major. • Exempts emergency rules or rules repealing existing rules.
H.R. 4116 Regulatory Accountability and Economic	Rep. Tom Latham (R-IA-4)	Introduced: Mar. 1, 2012 Most Recent Action:	<ul style="list-style-type: none"> • For each rule expected to be proposed or finalized during the year, the agency heads must summarize the rule and explain objectives of the rule; relative cost of the rule and the economic effect of the rule. • Major rules will not take effect unless Congress enacts a joint resolution

112 TH CONGRESS (2011-2012)			
STATUTE	SPONSOR	STATUS	SUMMARY
Freedom Act of 2012 Link		Referred to Subcommittee on Courts, Commercial and Administrative Law on Mar. 6, 2012	<p>approving the rule.</p> <ul style="list-style-type: none"> Act would also establish the Red Tape Reduction Commission. Commissioner is tasked with reviewing current regulations and proposing less burdensome ones.
H.R. 4078 Red Tape Reduction and Small Business Job Creation Act Link	Rep. Tim Griffin (R-AR-2)	<p>Introduced: Feb. 17, 2012</p> <p>Most Recent Action: Passed the House on Jul. 26, 2012; Received in the Senate on Jul. 30, 2012</p> <p>Committee Reports: Judiciary Committee Committee on Oversight and Government Reform Rules Committee Bill Consideration Report</p>	<ul style="list-style-type: none"> Consolidates several different bills into a single bill with multiple titles as described below. Regulatory Freeze for Jobs Act of 2012 <ul style="list-style-type: none"> An agency may take a significant regulatory action only in accordance with Act during a prescribed period. Presidential and congressional waivers are available. Midnight Rule Relief Act of 2012 <ul style="list-style-type: none"> Except as provided in this Act, an agency may not propose or finalize any midnight rule that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds is likely to result in an annual cost to the economy of \$50,000,000 or more. Sunshine for Regulatory Decrees and Settlements Act of 2012 <ul style="list-style-type: none"> The complaint in the action, the consent decree, or settlement agreement; the statutory basis for the consent decree or settlement agreement and its terms; and any award of attorneys' fees or costs shall be published, including electronically, in a readily accessible manner by the defendant agency. The defendant agency shall publish in the Federal Register and by electronic means, any proposed consent decree, or settlement agreement for no fewer than 60 days of public comment before filing it with the court. The court shall include in the judicial record the full administrative record. The defendant agency may hold a public hearing. Each agency shall submit an annual report to Congress on the number, identity, and content of complaints, consent decrees, and settlement agreement for that year. Unfunded Mandates Information and Transparency Act of 2012 <ul style="list-style-type: none"> Congressional Budget Act of 1974 amended to include independent regulatory agencies. At the request of any Chairman, the Director shall conduct an assessment comparing the authorized level of funding in a bill or

112 TH CONGRESS (2011-2012)			
STATUTE	SPONSOR	STATUS	SUMMARY
			<p>resolution to the prospective costs of carrying out any changes.</p> <ul style="list-style-type: none"> Responsibly and Professionally Invigorating Development Act of 2012 (RAPID) <ul style="list-style-type: none"> Not more than one environmental impact statement and one environmental assessment shall be prepared under NEPA for a project. Allows the agency responsible for preparing the environmental document(s) (the lead agency) to request that the project sponsor prepare any document required to support the environmental review, so long as the lead agency provides oversight and independent evaluation of the furnished documents. The lead agency shall prepare and publish a supplement to any document adopted from a project completed under state law if the lead agency determines that a significant change has been made to the project, or there have been significant changes in circumstances or availability of information.
S. 1938 Regulatory Flexibility Improvements Act of 2011 Link	Sen. Olympia J. Snowe (R-ME)	<p>Introduced: Dec. 1, 2011</p> <p>Most Recent Action: Referred to the Committee on Homeland Security and Governmental Affairs on Dec. 1, 2011</p>	<ul style="list-style-type: none"> Requires agencies to prominently display a plain language summary of the information contained in the regulatory flexibility agenda. Requires a complete analysis of rules to determine the potential impacts on small entities. Each initial regulatory flexibility analysis required shall provide: <ul style="list-style-type: none"> Reasons why action is being considered; objectives; projected reporting, recordkeeping, and other compliance requirements of the proposed rule; the additional cumulative economic impact of the proposed rule; any disproportionate economic impact on small entities or a specific class of small entities. The Small Business Administration shall, after opportunity for notice and comment, issue rules governing agency compliance.
H.R. 527 Regulatory Flexibility Improvements Act of 2011 Link	Rep. Lamar Smith (R-TX-21)	<p>Introduced: Feb. 8, 2011</p> <p>Most Recent Action: Passed the House on Dec. 1, 2011; Received in the Senate on Dec. 5, 2011</p> <p>Committee Reports: Judiciary Committee # 1 Judiciary Committee #2 Small Business Committee Rules Committee Bill Consideration Report</p>	
H.R. 3309 FCC Process Reform Act of	Rep. Greg Walden (R-OR-2)	<p>Introduced: Nov. 2, 2011</p>	<ul style="list-style-type: none"> Amends the Communications Act of 1934. The Commission may not issue a notice of proposed rulemaking unless the Commission provides for a period of not less than 30 days for the

112 TH CONGRESS (2011-2012)			
STATUTE	SPONSOR	STATUS	SUMMARY
2012 Link		<p>Most Recent Action: Passed the House on March 27, 2012; Received in the Senate on March 28, 2012</p> <p>Committee Reports Energy and Commerce Committee Rules Committee Bill Consideration Report</p>	<p>submission of comments and an additional period of not less than 30 days for the submission of reply comments on such notice.</p> <ul style="list-style-type: none"> The notice of proposed rulemaking is required to include: <ul style="list-style-type: none"> Any prior notice or court ruling in the past three years from which the proposed rulemaking is a logical outgrowth A finding that the proposed rule or the proposed amendment of an existing rule will not impose additional burdens on industry or consumers.
H.R. 3010 Regulatory Accountability Act of 2011 Link	Rep. Lamar Smith (R-TX-21)	<p>Introduced: Sept. 22, 2011</p> <p>Most Recent Action: Passed the House on Dec. 2, 2011; Received in the Senate on Dec. 5, 2011</p> <p>Committee Reports: Judiciary Committee Rules Committee Bill Consideration Report</p>	<ul style="list-style-type: none"> Requires agencies to base all preliminary and factual determinations on evidence when making a rule, including assessing reasonable alternatives and potential costs and benefits. Requires agencies to publish advance notice of proposed rulemaking for major and high-impact (annual cost to the economy of \$1B or more) rules, rules with a negative impact on jobs and wage, and rules addressing novel legal or policy issues arising out of statutory mandates. The notice must include: <ul style="list-style-type: none"> the nature and significance of the problem to be addressed the legal authority for the rule the nature of any novel legal or policy position and the reasons for it a solicitation for written data, views, or arguments Requires formal rulemaking procedures for high-impact rules, unless the required hearing is waived by all participants. Expands judicial review of agency rulemaking by allowing for immediate review of rulemaking not in compliance with notice requirements. Establishes a substantial evidence standard for affirming agency rulemaking decisions, which requires relevant evidence sufficient for a reasonable mind to accept as adequate to support a conclusion.
S. 1606 Regulatory Accountability Act of 2011 Link	Sen. Rob Portman (R-OH)	<p>Introduced: Sept. 22, 2011</p> <p>Most Recent Action: Referred to the committee on Homeland Security and Governmental Affairs on Sept. 22, 2011</p>	
H.R. 2964 Unfunded Mandates Accountability Act of 2011 Link	Rep. Kevin Yoder (R-KS-3)	<p>Introduced: Sept. 15, 2011</p> <p>Most Recent Action: Referred to the Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform on Oct. 3, 2011</p>	<ul style="list-style-type: none"> Amends the Unfunded Mandates Reform Act of 1995. Requires regulatory impact analysis for rules that do not involve legislative mandate. Requires federal agencies to prepare and publish in the Federal Register an initial and final regulatory impact analysis prior to promulgating any proposed or final rule that may have an annual effect on the economy of \$100 million or more or that may result in the expenditure of \$100

112 TH CONGRESS (2011-2012)			
STATUTE	SPONSOR	STATUS	SUMMARY
S. 1189 Unfunded Mandates Accountability Act of 2011 Link	Sen. Rob Portman (R-OH)	Introduced: June 14, 2011 Most Recent Action: Hearings held by the Committee on Homeland Security and Governmental Affairs on Jul. 20, 2011	million or more. <ul style="list-style-type: none"> Amends the Congressional Budget and Impoundment Control Act of 1974 to require independent regulatory agencies to conduct regulatory impact analyses.
S. 1538 Regulatory Time-Out Act of 2011 Link	Sen. Susan M. Collins (R-ME)	Introduced: Sept. 12, 2011 Most Recent Action: Referred to the Committee on Homeland Security and Governmental Affairs on Sept. 12, 2011	<ul style="list-style-type: none"> Suspends the effective date of certain covered regulations for one-year Defines a "covered regulation" as a final regulation that did not take effect before September 1, 2011, that increases costs on businesses in a manner that will have an adverse effect on job creation, job retention, productivity, competitiveness.
H.R. 2681 Cement Sector Regulatory Relief Act of 2011 Link	Rep. John Sullivan (R-OK-1)	Introduced: July 28, 2011 Most Recent Action: Passed the House on Oct. 6, 2011; Received in the Senate on Oct. 11, 2011 Committee Reports: Energy and Commerce Committee Rules Committee Bill Consideration Report	<ul style="list-style-type: none"> The Administrator of the EPA proposes regulations for the Portland cement manufacturing industry and Portland cement plants establishing maximum achievable control technology standards, performance standards, and other requirements, identifying non-hazardous secondary materials. The Administrator shall establish a date for compliance with standards and requirements under such regulation. The Administrator shall ensure that emissions standards for existing and new sources can be met under actual operating conditions consistently and concurrently with emission standards for all other air pollutants regulated by the rule for the source category. For each regulation promulgated, from among the range of regulatory alternatives, the Administrator shall impose the least burdensome.
H.R. 2587 Protecting Jobs from Government Interference Act Link	Rep. Tim Scott (R-SC-1)	Introduced: July 19, 2011 Most Recent Action: Passed the House on Sept. 15, 2011; Received in the Senate on Sept. 15, 2011 Committee Reports: Education and Workforce Committee Rules Committee Bill Consideration Report	<ul style="list-style-type: none"> Amends the National Labor Relations Act so that the Board shall not have power to order an employer to: <ul style="list-style-type: none"> Restore or reinstate any work, product, production line, or equipment Rescind any relocation, transfer, subcontract or outsourcing Make an initial or additional investment at a particular plant or facility.
S. 1338	Sen. Sheldon	Introduced:	<ul style="list-style-type: none"> Establishes the Office of Regulatory Integrity within the Office of

112 TH CONGRESS (2011-2012)			
STATUTE	SPONSOR	STATUS	SUMMARY
Regulatory Capture Prevention Act of 2011 Link	Whitehouse (D-RI)	Jul. 7, 2011 Most Recent Action: Hearings held by the Committee on Homeland Security and Governmental Affairs on Jul. 20, 2011	Management and Budget. <ul style="list-style-type: none"> The Administrator shall investigate and report on the influence of concentrated economic interests on Federal agencies The Administrator shall develop, in consultation with the Administrative Conference of the United States, written guidance describing the most pervasive threats to regulatory integrity and the factors that primarily inform the exercise of the Administrator's investigatory discretion.
H.R. 2308 SEC Regulatory Accountability Act Link	Rep. Scott Garrett (R-NJ-5)	Introduced: June 23, 2011 Most Recent Action: Placed on the Union Calendar on Apr. 25, 2012 Committee Reports: Financial Services Committee	<ul style="list-style-type: none"> Amends the Securities Exchange Act of 1934 to direct the Securities and Exchange Commission (SEC), before issuing a regulation to: <ul style="list-style-type: none"> clearly identify the nature and source of the problem utilize the Chief Economist to assess the costs and benefits identify and assess available alternatives ensure that any regulation is accessible, consistent, written in plain language, and easy to understand. Requires the SEC to take into consideration the investor choice, market liquidity in the securities markets, and effect on small businesses.
H.R. 2250 EPA Regulatory Relief Act of 2011 Link	Rep. H. Morgan Griffith (R-VA-9)	Introduced: June 21, 2011 Most Recent Action: Passed the House on Oct. 13, 2011; Received in the Senate Oct. 17, 2011 Committee Reports: Energy and Commerce Committee Rules Committee Bill Consideration Report	<ul style="list-style-type: none"> Requires the EPA to propose rules to establish maximum achievable control technology standards and performance standards for <ul style="list-style-type: none"> industrial, commercial, and institutional boilers and process heaters; commercial and industrial solid waste incinerator units. Requires that emissions standards for existing and new sources can be met under actual operating conditions consistently and concurrently with emission standards for all other air pollutants regulated by the rule for the source category. Requires adoption of the least burdensome from among the range of regulatory alternatives.
S. 1030 Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2011 Link	Sen. Olympia J. Snowe (R-ME)	Introduced: May 19, 2011 Most Recent Action: Hearing held by the Committee on Homeland Security and Governmental Affairs on Jul. 20, 2011	<ul style="list-style-type: none"> Amends the Regulatory Flexibility Act (RFA) to revise the regulatory process (rulemaking) for small entities. Expands judicial review of agency rulemaking to permit small entities to seek judicial review of initial regulatory flexibility analyses and to obtain an injunction of a proposed rule that is noncompliant with RFA requirements. Requires each agency to establish a plan for review every nine years. Requires each agency to periodically review the civil penalties it imposes on small entities for violations of statutory or regulatory requirement.

112 TH CONGRESS (2011-2012)			
STATUTE	SPONSOR	STATUS	SUMMARY
H.R. 1840 To Improve Consideration by the CFTC of the Costs and Benefits of its Regulations and Orders Link	Rep. Michael K. Conaway (R-TX-11)	Introduced: May 11, 2011 Most Recent Action: Placed on Union Calendar on May 16, 2012 Committee Reports: Committee on Agriculture	<ul style="list-style-type: none"> Amends the Commodity Exchange Act to require the CFTC to <ul style="list-style-type: none"> assess the costs and benefits before promulgating a regulation; propose or adopt a regulation only on a reasoned determination that the benefits of the intended regulation justify the costs; and measure and seek to improve the actual results of regulatory requirements.
H.R. 1633 Farm Dust Regulation Prevention Act of 2011 Link	Rep. Kristi L. Noem (R-SD-At Large)	Introduced: Apr. 15, 2011 Most Recent Action: Passed the House on Dec. 8, 2011; Received in the Senate on Dec. 12, 2011 Committee Reports: Committee on Energy and Commerce Rules Committee Bill Consideration Report	<ul style="list-style-type: none"> Prohibits the EPA from proposing, finalizing, implementing or enforcing any regulation revising the national primary ambient air quality standard or the national secondary ambient air quality standard applicable to particulate matter with an aerodynamic diameter greater than 2.5 micrometers. Does not apply where nuisance dust is not regulated under State, tribal, or local law and the nuisance dust causes substantial adverse public health. Requires the benefits of applying standards and other requirements to outweigh the costs.
H.R. 872 Reducing Regulatory Burdens Act of 2011 Link	Rep. Bob Gibbs (R-OH-18)	Introduced: Mar. 2, 2011 Most Recent Action: Passed the House on Mar. 31, 2011; Placed on the Senate Legislative Calendar on June 21, 2011 Committee Reports: Transportation & Infrastructure Committee Agriculture Committee	<ul style="list-style-type: none"> Amends FIFRA and the Clean Water Act so that the EPA may not require a permit for a discharge from a point source into navigable waters of a pesticide or residue of a pesticide which have been authorized for sale, distribution, or use under the FIFRA.
S. 358 Regulatory Responsibility for our Economy Act of 2011 Link	Sen. Pat Roberts (R-KS)	Introduced: Feb. 15, 2011 Most Recent Action: Hearings Held by the Committee on Homeland Security and Governmental Affairs on Jul. 20, 2011	<ul style="list-style-type: none"> Requires agencies to propose or adopt regulations only upon a reasoned determination that the benefits justify the costs. Requires regulations to be adopted through a process involving public participation. Requires agencies to consider how best to promote retrospective analysis of rules to determine if they are outmoded, ineffective, insufficient, or excessively burdensome.

112 TH CONGRESS (2011-2012)			
STATUTE	SPONSOR	STATUS	SUMMARY
S. 299 REINS Act of 2011 (Regulations from the Executive in Need of Scrutiny) Link	Sen. Rand Paul (R-KY)	Introduced: Feb. 7, 2011 Most Recent Action: Hearings Held by the Committee on Homeland Security and Governmental Affairs on Jul. 20, 2011	<ul style="list-style-type: none"> • Before a rule may take effect, submit to each House of Congress and to the Comptroller General a report containing: <ul style="list-style-type: none"> • A copy of the rule • A general statement explaining the rule • Whether the rule is major or non-major • A list of other related actions • Submit to the Comptroller General and to each House of Congress a copy of the cost-benefit analysis, if any, including analysis of jobs added/lost. • Each House shall provide copies of the report to the Chairman and Ranking Member of each standing committee. • The Comptroller General shall provide a report on each major rule. • A major rule shall take effect upon enactment of a joint resolution of approval. • A non-major rule shall take effect after submission to Congress if Congress does not enact a joint resolution within 70 session days.
H.R. 10 REINS Act of 2011 (Regulations from the Executive in Need of Scrutiny) Link	Rep. Geoff Davis (R-KY-4)	Introduced: Jan. 20, 2011 Most Recent Action: Passed the House on Dec. 7, 2011; Received in the Senate on Dec. 8, 2011 Committee Reports: Judiciary Committee Rules Committee Rules Committee Bill Consideration Report	