

113TH CONGRESS
1ST SESSION

H. R. 2804

To amend title 5, United States Code, to require the Administrator of the Office of Information and Regulatory Affairs to publish information about rules on the Internet, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2013

Mr. HOLDING (for himself, Mr. BACHUS, Mr. COBLE, Mr. FRANKS of Arizona, Mr. CHABOT, Mr. MARINO, Mr. COLLINS of Georgia, Mr. SMITH of Missouri, and Mr. LAMALFA) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 5, United States Code, to require the Administrator of the Office of Information and Regulatory Affairs to publish information about rules on the Internet, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “All Economic Regula-
5 tions are Transparent Act of 2013” or the “ALERT Act
6 of 2013”.

1 **SEC. 2. OIRA PUBLICATION OF INFORMATION RELATING**
2 **TO RULES.**

3 Title 5, United States Code, is amended by inserting
4 after chapter 6, the following new chapter:

5 **“CHAPTER 6A.—OIRA PUBLICATION OF**
6 **INFORMATION RELATING TO RULES**

7 **“§ 650. Agency monthly submission to OIRA**

8 “Not later than 30 days after the date of the enact-
9 ment of the All Economic Regulations are Transparent
10 Act of 2013, and monthly thereafter, the head of each
11 agency shall submit to the Administrator of the Office of
12 Information and Regulatory Affairs (referred to in this
13 chapter as the ‘Administrator’), in such a manner as the
14 Administrator may reasonably require, for each rule that
15 the agency expects to propose or finalize during the up-
16 coming year—

17 “(1) a summary of the nature of the rule, in-
18 cluding the regulation identifier number and the
19 docket number for the rule;

20 “(2) the objectives of and legal basis for the
21 issuance of the rule, including—

22 “(A) any statutory or judicial deadline;

23 “(B) whether the legal basis restricts or
24 precludes the agency from conducting an anal-
25 ysis of the costs or benefits of the rule during
26 the rule making, and if not, whether the agency

1 plans to conduct an analysis of the costs or
2 benefits of the rule during the rule making;

3 “(3) whether the agency plans to claim an ex-
4 emption from the requirements of section 553 pursu-
5 ant to section 553(b)(B);

6 “(4) the stage of the rule making as of the date
7 of submission;

8 “(5) whether the rule is subject to review under
9 section 610;

10 “(6) for any rule for which the agency has
11 issued a general notice of proposed rule making—

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

14 “(B) an estimate of whether the rule will
15 cost—

16 “(i) less than \$50,000,000;

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

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

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

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

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

3 “(vii) \$10,000,000,000 or more.

4 **“§ 651. OIRA publications**

5 “(a) AGENCY-SPECIFIC INFORMATION PUBLISHED
6 MONTHLY.—Not later than 60 days after the date of the
7 enactment of the All Economic Regulations are Trans-
8 parent Act of 2013, and monthly thereafter, the Adminis-
9 trator shall make publicly available on the Internet the
10 information that the Administrator receives from the head
11 of each agency under section 650.

12 “(b) CUMULATIVE ASSESSMENT OF AGENCY RULE
13 MAKING PUBLISHED ANNUALLY.—

14 “(1) PUBLICATION IN THE FEDERAL REG-
15 ISTER.—Beginning on April 1 or October 1, which-
16 ever comes first, and annually thereafter, the Ad-
17 ministrator shall publish in the Federal Register, for
18 the preceding year—

19 “(A) the information that the Adminis-
20 trator received from the head of each agency
21 under section 650;

22 “(B) the number of rules and a list of each
23 such rule—

24 “(i) that was proposed by each agen-
25 cy, including, for each such rule, an indica-

1 tion of whether the issuing agency con-
2 ducted an analysis of the costs or benefits
3 of the rule;

4 “(ii) that was finalized by each agen-
5 cy, including, for each such rule, an indica-
6 tion of whether—

7 “(I) the issuing agency conducted
8 an analysis of the costs or benefits of
9 the rule;

10 “(II) the agency claimed an ex-
11 emption from the procedures under
12 section 553 pursuant to section
13 553(b)(B); and

14 “(III) the rule was issued pursu-
15 ant to a statutory mandate or the rule
16 making is committed to agency discre-
17 tion by law;

18 “(C) the number of agency actions and a
19 list of each such action taken by each agency
20 that—

21 “(i) repealed a rule;

22 “(ii) reduced the scope of a rule;

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

24 “(iv) accelerated the expiration date
25 of a rule; and

1 “(D) the total cost (without reducing the
2 cost by any offsetting benefits) of all rules pro-
3 posed or finalized, and the number of rules for
4 which an estimate of the cost of the rule was
5 not available.

6 “(2) PUBLICATION ON THE INTERNET.—Begin-
7 ning on April 1 or October 1, whichever comes first,
8 and annually thereafter, the Administrator shall
9 make publicly available on the Internet—

10 “(A) the analysis of the costs or benefits,
11 if conducted, for each proposed rule or final
12 rule issued by an agency for the preceding year
13 (as well as, for the first publication, any anal-
14 ysis of the costs or benefits conducted for a
15 proposed or final rule, for the 10 years pre-
16 ceding the date of the enactment of the All
17 Economic Regulations are Transparent Act of
18 2013);

19 “(B) the docket number and regulation
20 identifier number for each proposed or final
21 rule issued by an agency for the preceding year;

22 “(C) the number of rules and a list of each
23 such rule reviewed by the Director of the Office
24 of Management and Budget for the preceding

1 year, and the authority under which each such
2 review was conducted;

3 “(D) the number of rules and a list of each
4 such rule for which the head of an agency com-
5 pleted a review under section 610 for the pre-
6 ceding year;

7 “(E) the number of rules and a list of each
8 such rule submitted to the Comptroller General
9 under section 801; and

10 “(F) the number of rules and a list of each
11 such rule for which a resolution of disapproval
12 was introduced in either the House of Rep-
13 resentatives or the Senate under section 802.

14 “(3) EFFECTIVE DATE.—Paragraphs (1) and
15 (2) shall take effect on the date that is 60 days after
16 the date of the enactment of the All Economic Regu-
17 lations are Transparent Act of 2103.

18 **“§ 652. Requirement for rules to appear in agency-**
19 **specific monthly publication**

20 “(a) IN GENERAL.—Subject to subsection (b), a rule
21 may not take effect until the information required to be
22 made publicly available on the Internet regarding such
23 rule pursuant to section 651(a) has been so available for
24 not less than 6 months.

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

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

5 “(2) which the President determines by Execu-
6 tive Order should take effect because the rule is—

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

9 “(B) necessary for the enforcement of
10 criminal laws;

11 “(C) necessary for national security; or

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

14 **“§ 653. Definitions**

15 “‘In this chapter, the terms ‘agency’, ‘agency action’,
16 and ‘rule’ have the meanings given those terms in section
17 551.’”.

○