

HR 527

Regulatory Flexibility Improvements Act of 2011

Congress: 112 (2011–2013, Ended)

Chamber: House

Policy Area: Commerce

Introduced: Feb 8, 2011

Current Status: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs. (Dec 5, 2011)

Latest Action: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs. (Dec 5, 2011)

Official Text: <https://www.congress.gov/bill/112th-congress/house-bill/527>

Sponsor

Name: Rep. Smith, Lamar [R-TX-21]

Party: Republican • **State:** TX • **Chamber:** House

Cosponsors (26 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Coble, Howard [R-NC-6]	R · NC		Feb 8, 2011
Rep. Graves, Sam [R-MO-6]	R · MO		Feb 8, 2011
Rep. Foxx, Virginia [R-NC-5]	R · NC		Apr 1, 2011
Rep. Franks, Trent [R-AZ-2]	R · AZ		Apr 1, 2011
Rep. Gallegly, Elton [R-CA-24]	R · CA		Apr 1, 2011
Rep. Gowdy, Trey [R-SC-4]	R · SC		Apr 1, 2011
Rep. King, Peter T. [R-NY-3]	R · NY		Apr 1, 2011
Rep. Manzullo, Donald A. [R-IL-16]	R · IL		Apr 1, 2011
Rep. Reed, Tom [R-NY-29]	R · NY		Apr 1, 2011
Rep. Ross, Dennis A. [R-FL-12]	R · FL		Apr 1, 2011
Rep. Shuster, Bill [R-PA-9]	R · PA		Apr 1, 2011
Rep. Griffin, Tim [R-AR-2]	R · AR		Apr 8, 2011
Rep. Lungren, Daniel E. [R-CA-3]	R · CA		Apr 8, 2011
Rep. Gibbs, Bob [R-OH-18]	R · OH		Apr 15, 2011
Rep. Grimm, Michael G. [R-NY-13]	R · NY		Apr 15, 2011
Rep. Johnson, Bill [R-OH-6]	R · OH		May 5, 2011
Rep. Davis, Geoff [R-KY-4]	R · KY		May 24, 2011
Rep. Duncan, John J., Jr. [R-TN-2]	R · TN		May 24, 2011
Rep. Turner, Michael R. [R-OH-3]	R · OH		May 24, 2011
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Jun 24, 2011
Rep. Sensenbrenner, F. James, Jr. [R-WI-5]	R · WI		Jun 24, 2011
Rep. Frelinghuysen, Rodney P. [R-NJ-11]	R · NJ		Jul 7, 2011
Rep. Poe, Ted [R-TX-2]	R · TX		Jul 7, 2011
Rep. Black, Diane [R-TN-6]	R · TN		Sep 22, 2011
Rep. McKinley, David B. [R-WV-1]	R · WV		Sep 22, 2011
Rep. Brooks, Mo [R-AL-5]	R · AL		Oct 4, 2011

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Referred To	Dec 5, 2011
Judiciary Committee	House	Discharged from	Jul 1, 2011
Small Business Committee	House	Reported By	Nov 16, 2011

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
112 HR 6240	Related bill	Sep 26, 2012: Referred to the Subcommittee on Higher Education and Workforce Training.
112 HR 3487	Related bill	Mar 29, 2012: Referred to the Subcommittee on Health, Employment, Labor, and Pensions.
112 S 1938	Related bill	Dec 1, 2011: Read twice and referred to the Committee on Homeland Security and Governmental Affairs. (text of measure as introduced: CR S8152-8155)
112 HRES 477	Related bill	Nov 30, 2011: Motion to reconsider laid on the table Agreed to without objection.

Regulatory Flexibility Improvements Act of 2011 - Amends the Regulatory Flexibility Act of 1980 (RFA) to: (1) define the "economic impact" of a proposed or final rule to include both direct economic effects on small entities and any indirect economic effects which are reasonably foreseeable and result from such proposed or final rule, and (2) include tribal organizations within the definition of "small governmental jurisdictions" for purposes of such Act.

Requires initial and final regulatory flexibility analyses under RFA to: (1) describe alternatives to a proposed rule that minimize any adverse significant economic impact or maximize the beneficial significant economic impact on small entities, and (2) include revisions or amendments to a land management plan developed by the Secretary of Agriculture or the Secretary of the Interior under specified Acts.

Requires the Internal Revenue Service (IRS) to comply with RFA requirements when codifying a regulation in the Code of Federal Regulations that imposes a collection-of-information or recordkeeping requirement.

Revises the definition of "small organization" under RFA to include consideration of size standards, net worth, and the number of employees.

(Sec. 3) Requires each federal agency to include in its regulatory flexibility agenda a description of the sector of the North American Industrial Classification System that is affected by a proposed agency rule which is likely to have a significant economic impact on a substantial number of small entities.

(Sec. 4) Requires an agency to include in its initial regulatory flexibility analysis a detailed statement, including: (1) a description of why action by the agency is being considered and the objectives of, and legal basis for, the proposed rule; (2) an estimate of the number and types of small entities to which the proposed rule will apply; (3) the projected compliance requirements of the proposed rule; (4) an estimate of the additional cumulative economic impact of the proposed rule, or of any other rule stemming from the implementation of the Free Trade Agreements, on small entities; and (5) a description of any disproportionate economic impact on small entities or a specific class of such entities.

Requires an agency, in developing an initial and final regulatory flexibility analysis, to provide a quantifiable or numerical description of the effects of a proposed or final rule and alternatives to such rule, or a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.

(Sec. 5) Repeals agency authority to waive an initial regulatory flexibility analysis or delay a final regulatory flexibility analysis in emergency situations. Authorizes the Chief Counsel for Advocacy of the Small Business Administration (SBA) to make rules governing agency compliance with RFA requirements and to intervene in agency adjudications.

(Sec. 6) Revises requirements for agency notification of the Chief Counsel prior to the publication of any proposed rule that is likely to result in: (1) an annual effect of the economy of \$100 million or more; (2) a major increase in costs or prices; (3) a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S. enterprises to compete internationally; or (4) a significant economic impact on a substantial number of small entities.

Requires agencies to provide the Chief Counsel with: (1) all materials prepared or utilized in making the proposed rule, and (2) information on the potential adverse and beneficial economic impacts of the proposed rule on small entities. Requires the Chief Counsel to convene a panel to review such materials.

Authorizes the Chief Counsel to waive such review requirements upon determining that compliance with such

requirements is impracticable, unnecessary, or contrary to the public interest.

(Sec. 7) Expands requirements for the periodic review of agency rules to require an agency to: (1) publish its plan for periodic review of agency rules determined to have a significant economic impact on small entities on its website; (2) detail in its plan how it will conduct outreach to include small businesses in the review process; (3) submit an annual report on the results of its review to Congress, the Chief Counsel , and the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget (OMB); (4) amend or rescind a rule to minimize any adverse economic impact on small entities or to maximize any beneficial impact on such entities, taking into account specified factors; and (5) publish in the Federal Register and on its website a list of rules to be reviewed under its plan.

(Sec. 8) Allows judicial review of agency compliance with requirements of RFA when an agency publishes a final rule (currently, when final agency action is completed). Authorizes the Chief Counsel to file an amicus curiae brief in cases concerning agency compliance with RFA.

(Sec. 9) Amends the federal judicial code to grant exclusive jurisdiction to the U.S. Courts of Appeals to review all final rules promulgated by the Chief Counsel governing agency compliance with RFA.

(Sec. 11) Amends the Small Business Regulatory Enforcement Fairness Act of 1996 to require federal agencies, in preparing small entity compliance guides, to solicit input from affected small entities or associations of small entities.

Actions Timeline

- **Dec 5, 2011:** Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
- **Dec 1, 2011:** Considered under the provisions of rule H. Res. 477. (consideration: CR H8034-8056)
- **Dec 1, 2011:** Measure provides for consideration of H.R. 3463 with one hour of general debate, equally divided and controlled; bill is closed to amendments. Provides for consideration of H.R. 527 with one hour of general debate, equally divided and controlled; specified amendments are in order. Provides for consideration of H.R. 3010 with one hour of general debate, equally divided and controlled; specified amendments are in order.
- **Dec 1, 2011:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 477 and Rule XVIII.
- **Dec 1, 2011:** The Speaker designated the Honorable Jeff Denham to act as Chairman of the Committee.
- **Dec 1, 2011:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 527.
- **Dec 1, 2011:** DEBATE - Pursuant to the provisions of H. Res. 477, the Committee of the Whole proceeded with 10 minutes of debate on the Critz amendment.
- **Dec 1, 2011:** DEBATE - Pursuant to the provisions of H. Res. 477, the Committee of the Whole proceeded with 10 minutes of debate on the Jackson Lee (TX) amendment No. 2.
- **Dec 1, 2011:** DEBATE - Pursuant to the provisions of H. Res. 477, the Committee of the Whole proceeded with 10 minutes of debate on the Cohen amendment.
- **Dec 1, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Cohen amendment, the Chair put the question on adoption of the amendment and by voice vote, announced the noes had prevailed. Mr. Cohen demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Dec 1, 2011:** DEBATE - Pursuant to the provisions of H. Res. 477, the Committee of the Whole proceeded with 10 minutes of debate on the Peters amendment.
- **Dec 1, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Peters amendment, the Chair put the question on adoption of the amendment and by voice vote, announced the noes had prevailed. Mr. Peters demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Dec 1, 2011:** DEBATE - Pursuant to the provisions of H. Res. 477, the Committee of the Whole proceeded with 10 minutes of debate on the Jackson Lee (TX) amendment No. 5.
- **Dec 1, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Jackson Lee (TX) amendment, the Chair put the question on adoption of the amendment and by voice vote, announced the noes had prevailed. Ms. Jackson Lee (TX) demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Dec 1, 2011:** DEBATE - Pursuant to the provisions of H. Res. 477, the Committee of the Whole proceeded with 10 minutes of debate on the Johnson (GA) amendment.
- **Dec 1, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Johnson (GA) amendment, the Chair put the question on adoption of the amendment and by voice vote, announced the noes had prevailed. Mr. Johnson (GA) demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Dec 1, 2011:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was on the question of adoption of amendments which were debated earlier and on which further proceedings were postponed.
- **Dec 1, 2011:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 527.
- **Dec 1, 2011:** The previous question was ordered pursuant to the rule. (consideration: CR H8054)
- **Dec 1, 2011:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (text of amendment in the nature of a substitute: CR H8041-8043)
- **Dec 1, 2011:** Ms. Sanchez, Loretta moved to recommit with instructions to Judiciary. (consideration: CR H8054-8055; text: CR H8054)
- **Dec 1, 2011:** DEBATE - The House proceeded with 10 minutes of debate on the Loretta Sanchez motion to recommit. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment to insert a provision designed to prohibit additional rules that would hinder the hiring of veterans.
- **Dec 1, 2011:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H8055)

Dec 1, 2011: On motion to recommit with instructions Failed by recorded vote: 188 - 233 (Roll no. 879). (consideration: CR H8055)

- **Dec 1, 2011:** Passed/agreed to in House: On passage Passed by recorded vote: 263 - 159 (Roll no. 880).
- **Dec 1, 2011:** On passage Passed by recorded vote: 263 - 159 (Roll no. 880).
- **Dec 1, 2011:** Motion to reconsider laid on the table Agreed to without objection.
- **Nov 29, 2011:** Supplemental report filed by the Committee on Judiciary, H. Rept. 112-289, Part III.
- **Nov 29, 2011:** Rules Committee Resolution H. Res. 477 Reported to House. Measure provides for consideration of H.R. 3463 with one hour of general debate, equally divided and controlled; bill is closed to amendments. Provides for consideration of H.R. 527 with one hour of general debate, equally divided and controlled; specified amendments are in order. Provides for consideration of H.R. 3010 with one hour of general debate, equally divided and controlled; specified amendments are in order.
- **Nov 16, 2011:** Reported (Amended) by the Committee on Judiciary. H. Rept. 112-289, Part I.
- **Nov 16, 2011:** Reported (Amended) by the Committee on Small Business. H. Rept. 112-289, Part II.
- **Nov 16, 2011:** Placed on the Union Calendar, Calendar No. 191.
- **Jul 7, 2011:** Committee Consideration and Mark-up Session Held.
- **Jul 7, 2011:** Ordered to be Reported (Amended) by the Yeas and Nays: 18 - 8.
- **Jul 1, 2011:** Subcommittee on Courts, Commercial and Administrative Law Discharged.
- **Feb 10, 2011:** Subcommittee Hearings Held.
- **Feb 9, 2011:** Referred to the Subcommittee on Courts, Commercial and Administrative Law.
- **Feb 8, 2011:** Introduced in House
- **Feb 8, 2011:** Referred to the Committee on the Judiciary, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.