

HR 2122

Regulatory Accountability Act of 2013

Congress: 113 (2013–2015, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: May 23, 2013

Current Status: Placed on the Union Calendar, Calendar No. 172.

Latest Action: Placed on the Union Calendar, Calendar No. 172. (Sep 28, 2013)

Official Text: <https://www.congress.gov/bill/113th-congress/house-bill/2122>

Sponsor

Name: Rep. Goodlatte, Bob [R-VA-6]

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

Cosponsors (23 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Bachus, Spencer [R-AL-6]	R · AL		May 23, 2013
Rep. Coble, Howard [R-NC-6]	R · NC		May 23, 2013
Rep. Owens, William L. [D-NY-21]	D · NY		May 23, 2013
Rep. Peterson, Collin C. [D-MN-7]	D · MN		May 23, 2013
Rep. Schrader, Kurt [D-OR-5]	D · OR		May 23, 2013
Rep. Smith, Lamar [R-TX-21]	R · TX		May 23, 2013
Rep. Barr, Andy [R-KY-6]	R · KY		Jun 17, 2013
Rep. Griffin, Tim [R-AR-2]	R · AR		Jun 17, 2013
Rep. Bachmann, Michele [R-MN-6]	R · MN		Jul 9, 2013
Rep. Calvert, Ken [R-CA-42]	R · CA		Jul 9, 2013
Rep. Cotton, Tom [R-AR-4]	R · AR		Jul 9, 2013
Rep. Franks, Trent [R-AZ-8]	R · AZ		Jul 9, 2013
Rep. Holding, George [R-NC-13]	R · NC		Jul 9, 2013
Rep. Kline, John [R-MN-2]	R · MN		Jul 9, 2013
Rep. Noem, Kristi L. [R-SD-At Large]	R · SD		Jul 9, 2013
Rep. Sessions, Pete [R-TX-32]	R · TX		Jul 9, 2013
Rep. Terry, Lee [R-NE-2]	R · NE		Jul 9, 2013
Rep. Smith, Jason [R-MO-8]	R · MO		Jul 16, 2013
Rep. Crawford, Eric A. "Rick" [R-AR-1]	R · AR		Jul 23, 2013
Rep. Davis, Rodney [R-IL-13]	R · IL		Jul 23, 2013
Rep. Issa, Darrell E. [R-CA-49]	R · CA		Jul 23, 2013
Rep. Marchant, Kenny [R-TX-24]	R · TX		Jul 23, 2013
Rep. Gibbs, Bob [R-OH-7]	R · OH		Sep 16, 2013

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported by	Jul 18, 2013

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
113 HR 4	Related bill	Nov 13, 2014: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 597.

(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)

Regulatory Accountability Act of 2013 - (Sec. 2) Defines "major rule" and "major guidance" for purposes of this Act as a rule or guidance that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget (OMB) determines is likely to impose: (1) an annual cost on the economy of \$100 million or more, adjusted annually for inflation; (2) a major increase in costs or prices; (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. enterprises to compete with foreign-based enterprises; or (4) significant impacts on multiple sectors of the economy. Defines "high-impact rule" as a rule that the Administrator determines is likely to have an annual cost on the economy of \$1 billion or more, adjusted annually for inflation.

(Sec. 3) Revises procedures for rule making under the Administrative Procedure Act (APA) to require a federal agency, in the rule making process, to make all preliminary and final factual determinations based on evidence and to consider: (1) the legal authority under which a rule may be proposed, (2) the specific nature and significance of the problem the agency may address with a rule, (3) whether existing rules have created or contributed to the problem the agency may address with a rule and whether such rules may be amended or rescinded, (4) any reasonable alternatives for a new rule, and (5) the potential costs and benefits associated with potential alternative rules.

Revises rule making notice requirements to require an agency to:

- publish in the Federal Register advance notice of proposed rule making involving a major or high-impact rule or a rule that involves a novel legal or policy issue arising out of statutory mandates;
- consult with the Administrator before issuing a proposed rule and after the issuance of an advance notice of proposed rule making;
- provide interested persons an opportunity to participate in the rule making process;
- hold a hearing before the adoption of any high-impact rule;
- expand requirements for the adoption of a final rule, including requiring that the agency adopt a rule only on the basis of the best evidence and at the least cost; and
- grant any interested person the right to petition for the issuance, amendment, or repeal of a rule.

Specifies the minimum amount of information that must be included in an advance notice of a proposed rule making.

Requires the Administrator to issue guidelines to promote coordination, simplification, and harmonization of agency rules during the rule making process.

Exempts from such revised procedures rule makings that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

(Sec. 4) Imposes new requirements for issuing any major guidance or guidance that involves a novel legal or policy issue arising out of statutory mandates. Authorizes the Administrator to issue guidelines for agencies in issuing major guidance or other guidance.

(Sec. 5) Provides for electronic access to transcripts of testimony and exhibits and other papers filed in a rule making proceeding.

Requires the record of decision in a rule making proceeding to include information from a hearing under the Information Quality Act or on a high-impact rule.

Requires an agency to grant a petition for a hearing in the case of a major rule, unless the agency reasonably determines that a hearing would not advance consideration of the rule or would unreasonably delay completion of the rule making. Exempts from this requirement rule makings that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

(Sec. 6) Provides that an agency's denial of an Information Quality Act petition, or a failure to grant or deny such petition within 90 days, is reviewable by a court as a final action. Allows immediate judicial review of interim rules, other than in cases involving national security interests, issued without compliance with the notice requirements of this Act.

(Sec. 7) Revises standards for the scope of judicial review of agency rule making to prohibit a court from deferring to an agency's: (1) interpretation of a rule if the agency did not comply with APA requirements, (2) determination of the costs and benefits or other economic or risk assessment if the agency failed to conform to guidelines on such determinations and assessments established by the Administrator, (3) determinations made in the adoption of an interim rule, or (4) guidance.

(Sec. 8) Defines "substantial evidence" for purposes of evaluating agency adjudications and for rule making under APA as such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of the record considered as a whole, taking into account whatever in the record fairly detracts from the weight of the evidence relied upon by the agency to support its decision.

(Sec. 9) Provides that the amendments made by this Act to specified provisions of federal law shall not apply to any rule makings pending or completed on the enactment date of this Act.

Actions Timeline

- **Sep 28, 2013:** Reported by the Committee on Judiciary. H. Rept. 113-237.
- **Sep 28, 2013:** Placed on the Union Calendar, Calendar No. 172.
- **Jul 24, 2013:** Committee Consideration and Mark-up Session Held.
- **Jul 24, 2013:** Ordered to be Reported by the Yeas and Nays: 13 - 9.
- **Jul 18, 2013:** Subcommittee Consideration and Mark-up Session Held.
- **Jul 18, 2013:** Forwarded by Subcommittee to Full Committee by Voice Vote .
- **Jul 9, 2013:** Subcommittee Hearings Held.
- **Jun 14, 2013:** Referred to the Subcommittee on Regulatory Reform, Commercial And Antitrust Law.
- **May 23, 2013:** Introduced in House
- **May 23, 2013:** Referred to the House Committee on the Judiciary.