

## HR 2542

### Regulatory Flexibility Improvements Act of 2013

**Congress:** 113 (2013–2015, Ended)

**Chamber:** House

**Policy Area:** Commerce

**Introduced:** Jun 27, 2013

**Current Status:** Placed on the Union Calendar, Calendar No. 208.

**Latest Action:** Placed on the Union Calendar, Calendar No. 208. (Dec 11, 2013)

**Official Text:** <https://www.congress.gov/bill/113th-congress/house-bill/2542>

### Sponsor

**Name:** Rep. Bachus, Spencer [R-AL-6]

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

### Cosponsors (19 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Barrow, John [D-GA-12]	D · GA		Jun 27, 2013
Rep. Coble, Howard [R-NC-6]	R · NC		Jun 27, 2013
Rep. Graves, Sam [R-MO-6]	R · MO		Jun 27, 2013
Rep. Matheson, Jim [D-UT-4]	D · UT		Jun 27, 2013
Rep. Rokita, Todd [R-IN-4]	R · IN		Jun 27, 2013
Rep. Smith, Lamar [R-TX-21]	R · TX		Jun 27, 2013
Rep. Duncan, John J., Jr. [R-TN-2]	R · TN		Jun 28, 2013
Rep. Hanna, Richard L. [R-NY-22]	R · NY		Jul 8, 2013
Rep. Huelskamp, Tim [R-KS-1]	R · KS		Jul 8, 2013
Rep. Collins, Chris [R-NY-27]	R · NY		Jul 10, 2013
Rep. Herrera Beutler, Jaime [R-WA-3]	R · WA		Jul 10, 2013
Rep. Chabot, Steve [R-OH-1]	R · OH		Jul 16, 2013
Rep. Cramer, Kevin [R-ND-At Large]	R · ND		Jul 16, 2013
Rep. Smith, Jason [R-MO-8]	R · MO		Jul 16, 2013
Rep. Issa, Darrell E. [R-CA-49]	R · CA		Jul 24, 2013
Rep. Luetkemeyer, Blaine [R-MO-3]	R · MO		Jul 30, 2013
Rep. Tipton, Scott R. [R-CO-3]	R · CO		Jul 30, 2013
Rep. Long, Billy [R-MO-7]	R · MO		Aug 2, 2013
Rep. Sessions, Pete [R-TX-32]	R · TX		Oct 9, 2013

### Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported by	Jul 10, 2013
Small Business Committee	House	Reported By	Dec 11, 2013

## Subjects & Policy Tags

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### Policy Area:

Commerce

### Related Bills

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

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Regulatory Flexibility Improvements Act of 2013 - (Sec. 2) Amends the Regulatory Flexibility Act of 1980 (RFA) to: (1) revise the definition of "rule" under such Act to exclude a rule of particular (and not general) applicability relating to rates, wages, and other financial indicators; and (2) define "economic impact" with respect to a proposed or final rule as any direct economic effect on small entities from such rule and any indirect economic effect on small entities that is reasonably foreseeable and that results from such rule. Includes tribal organizations within the definition of "small governmental jurisdictions" for purposes of such Act.

Requires initial and final regulatory flexibility analyses 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.

Expands the applicability of RFA to interpretive rules involving internal revenue laws that impose a recordkeeping requirement, without regard to whether such requirement is imposed by statute or regulation.

Defines "small organization" for purposes of RFA.

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

(Sec. 4) Requires a detailed statement in an initial regulatory flexibility analysis to include: (1) an estimate of the additional cumulative economic impact of the proposed rule on small entities, and (2) 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: (1) a quantifiable or numerical description of the effects of a proposed or final rule and alternatives to such rule, or (2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.

(Sec. 5) Repeals provisions allowing a waiver or delay of the completion of an initial regulatory flexibility analysis. Requires the Chief Counsel for Advocacy of the Small Business Administration (SBA) to issue rules governing federal agency compliance with RFA requirements. Authorizes the Chief Counsel to modify or amend such rules, to intervene in agency adjudication relating to such rules, and to inform an agency of the impact of its rulemaking on small entities.

(Sec. 6) Revises requirements for agency notification of the SBA Chief Counsel for Advocacy prior to the publication of any proposed rule. 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.

(Sec. 7) Modifies requirements for the periodic review of agency rules affecting small entities to require publication of a plan for review and placement of such plan on the agency website not later than 180 days after the enactment of this Act.

(Sec. 8) Provides for judicial review of an agency final rule for compliance with RFA requirements after publication of such rule.

(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 SBA Chief Counsel for Advocacy governing agency compliance with the RFA.

(Sec. 10) Amends the Small Business Act to authorize the SBA Chief Counsel for Advocacy to specify detailed definitions or standards by which a business may be determined to be a small business (size standard) for purposes of all enactments other than the Small Business Act or the Small Business Investment Act of 1958 (for which only the Administrator is authorized to specify small business size standards). Allows a party seeking judicial review of a rule that includes a definition or size standard approved by the Chief Counsel for Advocacy to join the Chief Counsel as a party in an action for such review.

(Sec. 12) Amends the Small Business Regulatory Enforcement Fairness Act of 1996 to require federal agencies, in developing small entity compliance guides, to solicit input from affected small entities or associations of small entities.

## Actions Timeline

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- **Dec 11, 2013:** Reported (Amended) by the Committee on Judiciary. H. Rept. 113-288, Part I.
- **Dec 11, 2013:** Reported (Amended) by the Committee on Small Business. H. Rept. 113-288, Part II.
- **Dec 11, 2013:** Placed on the Union Calendar, Calendar No. 208.
- **Sep 18, 2013:** Committee Consideration and Mark-up Session Held.
- **Sep 18, 2013:** Ordered to be Reported (Amended) by Voice Vote.
- **Jul 31, 2013:** Committee Consideration and Mark-up Session Held.
- **Jul 31, 2013:** Ordered to be Reported by the Yeas and Nays: 15 - 9.
- **Jul 10, 2013:** Subcommittee Consideration and Mark-up Session Held.
- **Jul 10, 2013:** Forwarded by Subcommittee to Full Committee by Voice Vote .
- **Jul 9, 2013:** Referred to the Subcommittee on Regulatory Reform, Commercial And Antitrust Law.
- **Jun 27, 2013:** Introduced in House
- **Jun 27, 2013:** 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.