

S 1817

Smarter Regs Act of 2015

Congress: 114 (2015–2017, Ended)

Chamber: Senate

Policy Area: Government Operations and Politics

Introduced: Jul 21, 2015

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 522.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 522. (Jun 20, 2016)

Official Text: <https://www.congress.gov/bill/114th-congress/senate-bill/1817>

Sponsor

Name: Sen. Heitkamp, Heidi [D-ND]

Party: Democratic • State: ND • Chamber: Senate

Cosponsors (4 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Lankford, James [R-OK]	R · OK		Jul 21, 2015
Sen. Ayotte, Kelly [R-NH]	R · NH		Oct 1, 2015
Sen. Warner, Mark R. [D-VA]	D · VA		Oct 1, 2015
Sen. Ernst, Joni [R-IA]	R · IA		Nov 30, 2015

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Reported By	Jun 20, 2016
Small Business and Entrepreneurship Committee	Senate	Hearings By (full committee)	Apr 27, 2016

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
114 HR 5513	Related bill	Jun 21, 2016: Referred to the Subcommittee on Regulatory Reform, Commercial And Antitrust Law.

Smarter Regulations Through Advance Planning and Review Act of 2015 or the Smarter Regs Act of 2015

(Sec. 2) This bill requires a federal agency, when publishing a proposed major rule and when publishing a final major rule, to include a framework for assessing the rule.

The bill defines "major rule" as any rule that the Office of Information and Regulatory Affairs (OIRA) finds has resulted in or is likely to result in: (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

The framework published with the final rule shall include: (1) a clear statement of the rule's regulatory objectives, including a summary of its societal benefit and cost; (2) the methodology by which the agency plans to analyze the rule, including metrics for measuring its effectiveness, its benefits, and its impacts on regulated entities; (3) a plan for gathering data regarding such metrics; and (4) a specific time frame, of not more 10 years after the rule becomes effective, for conducting such assessment.

Each agency shall assess the collected data to: (1) analyze how the actual benefits and costs of the rule may have varied from those anticipated at the time it was issued; and (2) determine whether the rule is accomplishing its regulatory objective or needs to be strengthened, whether the rule has been rendered unnecessary, and whether alternatives to or modification of the rule could achieve the regulatory objective while imposing a smaller burden on society or increase net benefits. The bill requires subsequent assessments, within specified time frames, of a major rule that remains in effect after an assessment under this bill, unless the OIRA determines that there is a foreseeable and apparent need for such rule beyond such time frames.

The OIRA must:

- issue guidance for agencies regarding the development of the framework for, and the conduct of, such assessments;
- oversee the compliance of agencies with this Act;
- ensure that the results of each assessment are published promptly on a centralized federal website and that required notice is published in the Federal Register;
- encourage and assist agencies to streamline and coordinate the assessment of major rules with similar or related regulatory objectives;
- exempt an agency from such framework requirements if the agency did not issue a notice of proposed rule making for the major rule in order to provide a timely response to an emergency or to comply with a statutorily imposed deadline (in which cases the framework must be published within six months after the agency publishes the final rule); and
- extend the deadline specified by an agency for an assessment for up to 90 days if the agency justifies why it is unable to meet that deadline.

These provisions shall not apply to:

- a major rule of an agency that the OIRA reviewed before this bill's enactment or for which the agency is required to conduct a retrospective review under any other provision of law that meets or exceeds the requirements of this bill;

interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice; or

- routine and administrative rules.

Judicial review of agency compliance is limited to whether an agency published the framework for assessment of a major rule or whether an agency completed and published the required assessment of a major rule. The court may only issue an order remanding the rule to the agency to comply with this bill. Any determination, action, or inaction of the OIRA shall not be subject to judicial review.

Actions Timeline

- **Jun 20, 2016:** Committee on Homeland Security and Governmental Affairs. Reported by Senator Johnson with an amendment in the nature of a substitute. With written report No. 114-282.
- **Jun 20, 2016:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 522.
- **Apr 27, 2016:** Committee on Small Business and Entrepreneurship. Hearings held. Hearings printed: S.Hrg. 114-637.
- **Oct 7, 2015:** Committee on Homeland Security and Governmental Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Sep 16, 2015:** Committee on Homeland Security and Governmental Affairs. Hearings held. Hearings printed: S.Hrg. 114-480.
- **Jul 21, 2015:** Introduced in Senate
- **Jul 21, 2015:** Read twice and referred to the Committee on Homeland Security and Governmental Affairs.