

HR 527

Small Business Regulatory Flexibility Improvements Act of 2015

Congress: 114 (2015–2017, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: Jan 26, 2015

Current Status: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governm

Latest Action: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs. (Feb 9, 2015)

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Sponsor

Name: Rep. Chabot, Steve [R-OH-1]

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

Cosponsors (21 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Collins, Doug [R-GA-9]	R · GA		Jan 26, 2015
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Jan 26, 2015
Rep. Hanna, Richard L. [R-NY-22]	R · NY		Jan 26, 2015
Rep. Knight, Stephen [R-CA-25]	R · CA		Jan 26, 2015
Rep. Luetkemeyer, Blaine [R-MO-3]	R · MO		Jan 26, 2015
Rep. Marino, Tom [R-PA-10]	R · PA		Jan 26, 2015
Rep. Smith, Lamar [R-TX-21]	R · TX		Jan 26, 2015
Rep. Curbelo, Carlos [R-FL-26]	R · FL		Jan 27, 2015
Rep. Collins, Chris [R-NY-27]	R · NY		Jan 30, 2015
Rep. Gosar, Paul A. [R-AZ-4]	R · AZ		Jan 30, 2015
Rep. Graves, Sam [R-MO-6]	R · MO		Jan 30, 2015
Rep. Huelskamp, Tim [R-KS-1]	R · KS		Jan 30, 2015
Rep. King, Steve [R-IA-4]	R · IA		Jan 30, 2015
Rep. Love, Mia B. [R-UT-4]	R · UT		Jan 30, 2015
Rep. Peterson, Collin C. [D-MN-7]	D · MN		Jan 30, 2015
Rep. Sessions, Pete [R-TX-32]	R · TX		Jan 30, 2015
Rep. Tipton, Scott R. [R-CO-3]	R · CO		Jan 30, 2015
Rep. Cuellar, Henry [D-TX-28]	D · TX		Feb 2, 2015
Rep. Hardy, Crescent [R-NV-4]	R · NV		Feb 2, 2015
Rep. Hultgren, Randy [R-IL-14]	R · IL		Feb 2, 2015
Rep. Kline, John [R-MN-2]	R · MN		Feb 2, 2015

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Referred To	Feb 9, 2015
Judiciary Committee	House	Discharged from	Jan 27, 2015
Small Business Committee	House	Discharged From	Feb 2, 2015

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
114 S 1536	Related bill	Apr 27, 2016: Committee on Small Business and Entrepreneurship. Hearings held. Hearings printed: S.Hrg. 114-637.
114 S 426	Related bill	Feb 10, 2015: Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
114 HRES 78	Related bill	Feb 4, 2015: Motion to reconsider laid on the table Agreed to without objection.
114 S 86	Related bill	Jan 7, 2015: Read twice and referred to the Committee on Homeland Security and Governmental Affairs.

Small Business Regulatory Flexibility Improvements Act of 2015

This bill amends the Regulatory Flexibility Act of 1980 (RFA) and the Small Business Regulatory Enforcement Act of 1996 (SBREFA) to revise and expand the rulemaking requirements and procedures of federal agencies (excluding Congress, U.S. courts, U.S. territories and possessions, and the District of Columbia) that affect small entities.

(Sec. 2) RFA is amended to adopt the broader definition of "rule" set forth in the Administrative Procedure Act, but excludes from such definition: (1) rules that pertain to the protection of veterans' rights and benefits and to consumer credit extended to service members and dependents, or (2) rules of particular (and not general) applicability relating to rates, wages, and other financial indicators. The concept of "economic impact" is added to RFA to require agencies to consider any direct economic effect of a proposed rule on small entities and any indirect economic effect on such entities that is reasonably foreseeable and that results from such rule.

The applicability of RFA is expanded to cover: (1) rules that have a beneficial significant economic impact on small entities, (2) rules that affect Tribal organizations, (3) land management plans developed by the U.S. Forest Service and the Bureau of Land Management, and (4) certain collection-of-information and record keeping activities of the Internal Revenue Service.

The definition of "small organization" under RFA is revised to mean any not-for-profit enterprise, including a local labor organization, with a net worth not exceeding \$7 million and with no more than 500 employees.

(Sec. 3) Each agency is required to: (1) include in its regulatory agenda (published in the Federal Register every April and October) a brief description of the sector of the North American Industrial Classification System that is primarily affected by a proposed or promulgated rule that is likely to have a significant economic impact on a substantial number of small entities, and (2) prominently display a plain language summary of the information in the regulatory agenda on its website.

(Sec. 4) RFA requirements relating to an initial regulatory flexibility analysis are expanded to require an analysis to contain a detailed statement (instead of merely a statement) of information relating to a proposed rule. The analysis must include an estimate of the additional cumulative impact of the proposed rule on small entities, a description of any disproportionate economic impact on small entities or a specific class of small entities, and a description of any impairment of the ability of small entities to have access to credit.

A final regulatory flexibility analysis must include a detailed description of any disproportionate economic impact on small entities or a specific class of small entities.

The standard for measuring the economic impact of a proposed rule on small entities is enhanced to require a quantifiable or numerical description of the effects of a proposed or final rule on such entities.

(Sec. 5) The authority of an agency to waive or delay the completion of regulatory flexibility analyses is eliminated.

The Chief Counsel for Advocacy of the Small Business Administration (SBA) is given expanded authority to issue, modify, or amend rules governing agency compliance with RFA requirements and to intervene in agency adjudications.

(Sec. 6) RFA procedures for the participation of small entities in the promulgation of a proposed rule are modified to require the rulemaking agency to: (1) notify the SBA Chief Counsel for Advocacy, and (2) provide the Chief Counsel with

all materials prepared or utilized by the agency in making the proposed rule and with information on the potential adverse and beneficial economic impacts of the rule on small entities.

The Chief Counsel is specifically charged with: (1) convening a review panel with representation from the SBA Office of Advocacy, the agency making the rule, and the Office of Management and Budget; and (2) reporting to the rulemaking agency on the economic impact of the proposed rule on small entities with respect to energy and startup costs and on alternatives that will minimize adverse or maximize beneficial economic impacts on small entities.

The Chief Counsel is empowered to waive the review panel requirements if they are deemed impracticable, unnecessary, or contrary to the public interest.

(Sec. 7) RFA requirements for periodic review of rules affecting small entities are expanded to require: (1) mandatory review of all rules that have a significant impact on a substantial number of small entities; (2) a detailed statement on how an agency will conduct outreach activities to include small businesses, including those owned and controlled by women, veterans, and socially and economically-disadvantaged individuals; (3) annual agency reports on the results of its review of rules; and (4) annual publication in the Federal Register and on the agency website of a list of rules to be reviewed, with a solicitation of public comments.

(Sec. 8) Judicial review under RFA is expedited to allow an individual who is aggrieved by an agency rule to initiate judicial review of agency compliance with RFA without waiting for final agency action on such rule.

(Sec. 9) Exclusive jurisdiction is granted to the U.S. Court of Appeals to review challenges by small entities to rules promulgated by the SBA Chief Counsel for Advocacy for implementing RFA.

(Sec. 10) The Small Business Act is amended to: (1) authorize the SBA Chief Counsel for Advocacy to specify size standards for small business concerns for purposes of any enactment other than the Small Business Act or the Small Business Investment Act of 1958, and (2) permit a party who seeks judicial review of a small business size determination approved by the SBA Chief Counsel for Advocacy to join the Chief Counsel as a party in an action for such review.

(Sec. 12) SBREFA is amended to require agencies, in developing small entity compliance guides, to solicit input from affected small entities or associations of small entities.

(Sec. 13) The Comptroller General must complete and publish a study that examines whether the SBA Chief Counsel for Advocacy has the capacity and resources to carry out duties under this Act.

Actions Timeline

- **Feb 9, 2015:** Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
- **Feb 5, 2015:** Considered under the provisions of rule H. Res. 78. (consideration: CR H816-834; text of the amendment in the nature of a substitute: CR H822-825)
- **Feb 5, 2015:** For H.R. 527, the rule provides for one hour of debate; makes in order as original text the amendment in the nature of a substitute printed in Rules Committee Print 114-3; and makes specified additional amendments in order. For H.R. 50, the rule provides for one hour of debate; provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-4, modified by the amendment printed in Part B of the report shall be considered as adopted. Further specified amendments are in order.
- **Feb 5, 2015:** The Speaker designated the Honorable Lynn A. Westmoreland to act as Chairman of the Committee.
- **Feb 5, 2015:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 78 and Rule XVIII.
- **Feb 5, 2015:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 527.
- **Feb 5, 2015:** DEBATE - Pursuant to the provisions of H. Res. 78, the Committee of the Whole proceeded with 10 minutes of debate on the Peters Part A amendment no. 1.
- **Feb 5, 2015:** DEBATE - Pursuant to the provisions of H. Res. 78, the Committee of the Whole proceeded with 10 minutes of debate on the Conyers Part A amendment no. 3.
- **Feb 5, 2015:** DEBATE - Pursuant to the provisions of H. Res. 78, the Committee of the Whole proceeded with 10 minutes of debate on the Schrader Part A amendment no. 4.
- **Feb 5, 2015:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Schrader amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Schrader demanded a recorded vote and the Chair postponed further proceedings on the question of adoption until a time to be announced.
- **Feb 5, 2015:** DEBATE - Pursuant to the provisions of H. Res. 78, the Committee of the Whole proceeded with 10 minutes of debate on the Johnson(GA) Part A amendment no. 5.
- **Feb 5, 2015:** DEBATE - Pursuant to the provisions of H. Res. 78, the Committee of the Whole proceeded with 10 minutes of debate on the Jackson Lee Part A amendment no. 6.
- **Feb 5, 2015:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Jackson Lee amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Ms. Jackson Lee demanded a recorded vote and the Chair postponed further proceedings on the question of adoption until a time to be announced.
- **Feb 5, 2015:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 527.
- **Feb 5, 2015:** The previous question was ordered pursuant to the rule. (consideration: CR H831)
- **Feb 5, 2015:** Mr. Deutch moved to recommit with instructions to the Committee on the Judiciary. (consideration: CR H831-833; text: CR H831-832)
- **Feb 5, 2015:** DEBATE - The House proceeded with 10 minutes of debate on the Deutch motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment to add at the end of the bill the following section pertaining to Preventing the Spread of Nuclear Weapons.
- **Feb 5, 2015:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H832)
- **Feb 5, 2015:** On motion to recommit with instructions Failed by recorded vote: 182 - 240 (Roll no. 67).
- **Feb 5, 2015:** Passed/agreed to in House: On passage Passed by recorded vote: 260 - 163 (Roll no. 68).
- **Feb 5, 2015:** On passage Passed by recorded vote: 260 - 163 (Roll no. 68).
- **Feb 5, 2015:** Motion to reconsider laid on the table Agreed to without objection.
- **Feb 3, 2015:** Rules Committee Resolution H. Res. 78 Reported to House. For H.R. 527, the rule provides for one hour of debate; makes in order as original text the amendment in the nature of a substitute printed in Rules Committee Print 114-3; and makes specified additional amendments in order. For H.R. 50, the rule provides for one hour of debate; provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-4, modified by the amendment printed in Part B of the report shall be considered as adopted. Further specified amendments are in order.
- **Feb 2, 2015:** Reported by the Committee on Judiciary. H. Rept. 114-12, Part I.
- **Feb 2, 2015:** Committee on Small Business discharged.

Feb 2, 2015: Placed on the Union Calendar, Calendar No. 8.

- **Jan 27, 2015:** Subcommittee on Regulatory Reform, Commercial And Antitrust Law Discharged.
- **Jan 27, 2015:** Committee Consideration and Mark-up Session Held.
- **Jan 27, 2015:** Ordered to be Reported by the Yeas and Nays: 19 - 8.
- **Jan 26, 2015:** Introduced in House
- **Jan 26, 2015:** Referred to the Subcommittee on Regulatory Reform, Commercial And Antitrust Law.
- **Jan 26, 2015:** 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.