

S 951

Regulatory Accountability Act of 2017

Congress: 115 (2017–2019, Ended)

Chamber: Senate

Policy Area: Government Operations and Politics

Introduced: Apr 26, 2017

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 312.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 312. (Feb 14, 2018)

Official Text: <https://www.congress.gov/bill/115th-congress/senate-bill/951>

Sponsor

Name: Sen. Portman, Rob [R-OH]

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

Cosponsors (9 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Hatch, Orrin G. [R-UT]	R · UT		Apr 26, 2017
Sen. Heitkamp, Heidi [D-ND]	D · ND		Apr 26, 2017
Sen. Manchin, Joe, III [D-WV]	D · WV		Apr 26, 2017
Sen. Paul, Rand [R-KY]	R · KY		May 17, 2017
Sen. Johnson, Ron [R-WI]	R · WI		Jun 27, 2017
Sen. Strange, Luther [R-AL]	R · AL		Sep 7, 2017
Sen. Fischer, Deb [R-NE]	R · NE		Sep 27, 2017
Sen. Lankford, James [R-OK]	R · OK		Sep 27, 2017
Sen. Scott, Tim [R-SC]	R · SC		Feb 6, 2018

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Reported By	Feb 14, 2018

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

No related bills are listed.

Regulatory Accountability Act of 2017

This bill codifies and revises notice-and-comment rulemaking procedures to require federal agencies to consider: (1) whether a rulemaking is required by statute or is within the discretion of the agency, (2) whether existing federal laws or rules could be amended or rescinded to address the problem, and (3) reasonable alternatives for a new rule.

For major or high-impact rules, an agency must:

- publish a notice of initiation of rulemaking to invite interested parties to propose alternatives and ideas that accomplish the agency's objectives and benefit the public;
- allow persons interested in high-impact or certain major rules to petition for a public hearing with oral presentation, cross-examination, and the burden of proof on the proponent of the rule;
- adopt the most cost-effective rule among reasonable alternatives that meet statutory objectives, unless additional benefits justify additional costs; and
- publish a framework and metrics for measuring the effectiveness of the rule on an ongoing basis.

The bill defines:

- a "high-impact rule" as a rule likely to cause an annual effect on the economy of \$1 billion or more; and
- a "major rule" as a rule likely to cause an annual effect on the economy of \$100 million or more, a major increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, public health and safety, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Agencies proposing a rule must notify the Office of Information and Regulatory Affairs (OIRA) and publish a notice of proposed rulemaking that includes: (1) a text of the proposed rule; (2) rulemaking considerations; and (3) for any major rule or high-impact rule, a discussion of alternatives and a preliminary explanation of how the rules meets statutory objectives and how benefits justify costs. When adopting a rule, an agency must publish a notice of final rulemaking that explains its determinations and responds to comments.

To obtain public comment on whether rules adopted at the end of a presidential administration should be amended or rescinded, agencies may delay rules that have not yet become effective before the inauguration of a new President.

OIRA must establish rulemaking guidelines for: (1) assessing costs and benefits, economic issues, and risk assessments; and (2) avoiding inconsistency or duplication with other agency rules.

The bill revises the scope of judicial review to: (1) establish a substantial evidence standard for high-impact rules, (2) allow courts to remand a matter to an agency without setting aside the agency's action, and (3) prohibit review of a determination of whether a rule is a major rule based on an increase in costs or adverse effects.

Agencies issuing guidance are: (1) prohibited from foreclosing consideration of issues, (2) required to state that guidance is not legally binding, and (3) required to confer with OIRA on major guidance.

Actions Timeline

- **Feb 14, 2018:** Committee on Homeland Security and Governmental Affairs. Reported by Senator Johnson with an amendment in the nature of a substitute. With written report No. 115-208. Minority views filed.
- **Feb 14, 2018:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 312.
- **May 17, 2017:** Committee on Homeland Security and Governmental Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Apr 26, 2017:** Introduced in Senate
- **Apr 26, 2017:** Read twice and referred to the Committee on Homeland Security and Governmental Affairs.