

113TH CONGRESS  
2D SESSION

# H. R. 5184

To establish a National Regulatory Budget, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2014

Mr. SCALISE (for himself and Mr. COLLINS of Georgia) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committees on the Judiciary, Ways and Means, Rules, and Appropriations, 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

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## A BILL

To establish a National Regulatory Budget, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Regulatory  
5 Budget Act of 2014”.

1 **SEC. 2. ESTABLISHMENT OF THE OFFICE OF REGULATORY**  
 2 **ANALYSIS.**

3 (a) IN GENERAL.—Part I of title 5, United States  
 4 Code, is amended by inserting after chapter 6 the fol-  
 5 lowing:

6 **“CHAPTER 6A—NATIONAL REGULATORY**  
 7 **BUDGET AND OFFICE OF REGU-**  
 8 **LATORY ANALYSIS**

“Sec.

“651. Definitions.

“652. Office of Regulatory Analysis; establishment; powers.

“653. Functions of Office of Regulatory Analysis; Executive branch agency com-  
 pliance.

“654. Public disclosure of estimate methodology and data; privacy.

“655. National Regulatory Budget; timeline.

“656. Executive branch agency cooperation mandatory; information sharing.

“657. Enforcement.

“658. Regulatory Analysis Advisory Board.

9 **“§ 651. Definitions**

10 “In this chapter:

11 “(1) **AGGREGATE COSTS.**—The term ‘aggregate  
 12 costs’, with respect to a covered Federal rule, means  
 13 the sum of—

14 “(A) the direct costs of the covered Fed-  
 15 eral rule; and

16 “(B) the regulatory costs of the covered  
 17 Federal rule.

18 “(2) **COVERED FEDERAL RULE.**—The term  
 19 ‘covered Federal rule’ means—

20 “(A) a rule (as defined in section 551);

1           “(B) an information collection requirement  
2 given a control number by the Office of Man-  
3 agement and Budget; or

4           “(C) guidance or a directive that—

5                 “(i) is not described in subparagraph  
6 (A) or (B);

7                 “(ii)(I) is mandatory in its application  
8 to regulated entities; or

9                 “(II) represents a statement of agency  
10 position that regulated entities would rea-  
11 sonably construe as reflecting the enforce-  
12 ment or litigation position of the agency;  
13 and

14                 “(iii) imposes not less than  
15 \$25,000,000 in annual costs on regulated  
16 entities.

17           “(3) DIRECT COSTS.—The term ‘direct costs’  
18 means—

19                 “(A) expenditures made by an Executive  
20 branch agency that relate to the promulgation,  
21 administration, or enforcement of a covered  
22 Federal rule; or

23                 “(B) costs incurred by an Executive  
24 branch agency, a Government corporation, the  
25 United States Postal Service, or any other in-

1           strumentality of the Federal Government be-  
2           cause of a covered Federal rule.

3           “(4) DIRECTOR.—The term ‘Director’ means  
4           the Director of the Office of Regulatory Analysis es-  
5           tablished under section 652(b).

6           “(5) EXECUTIVE BRANCH AGENCY.—The term  
7           ‘Executive branch agency’ means—

8                   “(A) an Executive department (as defined  
9                   in section 101); and

10                   “(B) an independent establishment (as de-  
11                   fined in section 104).

12           “(6) REGULATED ENTITY.—The term ‘regu-  
13           lated entity’ means—

14                   “(A) a for-profit private sector entity (in-  
15                   cluding an individual who is in business as a  
16                   sole proprietor);

17                   “(B) a not-for-profit private sector entity;  
18                   or

19                   “(C) a State or local government.

20           “(7) REGULATORY COSTS.—The term ‘regu-  
21           latory costs’ means all costs incurred by a regulated  
22           entity because of covered Federal rules.

1 **“§ 652. Office of Regulatory Analysis; establishment;**

2 **powers**

3           “(a) ESTABLISHMENT.—There is established in the  
4 executive branch an independent establishment to be  
5 known as the ‘Office of Regulatory Analysis’.

6           “(b) DIRECTOR.—

7                   “(1) ESTABLISHMENT OF POSITION.—There  
8 shall be at the head of the Office of Regulatory  
9 Analysis a Director, who shall be appointed by the  
10 President, by and with the advice and consent of the  
11 Senate.

12                   “(2) TERM.—

13                           “(A) IN GENERAL.—The term of office of  
14 the Director shall—

15                                   “(i) be 4 years; and

16                                   “(ii) expire on the last day of Feb-  
17 ruary following each Presidential election.

18                           “(B) APPOINTMENTS PRIOR TO EXPIRA-  
19 TION OF TERM.—Subject to subparagraph (C),  
20 an individual appointed as Director to fill a va-  
21 cancy prior to the expiration of a term shall  
22 serve only for the unexpired portion of the  
23 term.

24                           “(C) SERVICE UNTIL APPOINTMENT OF  
25 SUCCESSOR.—An individual serving as Director

1 at the expiration of a term may continue to  
2 serve until a successor is appointed.

3 “(3) POWERS.—

4 “(A) APPOINTMENT OF DEPUTY DIREC-  
5 TORS, OFFICERS, AND EMPLOYEES.—

6 “(i) IN GENERAL.—The Director may  
7 appoint Deputy Directors, officers, and  
8 employees, including attorneys, in accord-  
9 ance with chapter 51 and subchapter III of  
10 chapter 53.

11 “(ii) TERM OF DEPUTY DIRECTORS.—  
12 A Deputy Director shall serve until the ex-  
13 piration of the term of office of the Direc-  
14 tor who appointed the Deputy Director  
15 (and until a successor to that Director is  
16 appointed), unless sooner removed by the  
17 Director.

18 “(B) CONTRACTING.—

19 “(i) IN GENERAL.—The Director may  
20 contract for financial and administrative  
21 services (including those related to budget  
22 and accounting, financial reporting, per-  
23 sonnel, and procurement) with the General  
24 Services Administration, or such other  
25 Federal agency as the Director determines

1 appropriate, for which payment shall be  
2 made in advance, or by reimbursement,  
3 from funds of the Office of Regulatory  
4 Analysis in such amounts as may be  
5 agreed upon by the Director and the head  
6 of the Federal agency providing the serv-  
7 ices.

8 “(ii) SUBJECT TO APPROPRIATIONS.—  
9 Contract authority under clause (i) shall be  
10 effective for any fiscal year only to the ex-  
11 tent that appropriations are available for  
12 that purpose.

13 **“§ 653. Functions of Office of Regulatory Analysis; Ex-**  
14 **ecutive branch agency compliance**

15 “(a) ANNUAL REPORT REQUIRED.—

16 “(1) IN GENERAL.—Not later than January 30  
17 of each year, the Director shall submit to the Com-  
18 mittee on Homeland Security and Governmental Af-  
19 fairs of the Senate, the Committee on Small Busi-  
20 ness and Entrepreneurship of the Senate, the Com-  
21 mittee on Oversight and Government Reform of the  
22 House of Representatives, and the Committee on  
23 Small Business of the House of Representatives a  
24 report on national regulatory costs (referred to in

1 this section as the ‘Report’) that includes the infor-  
2 mation specified under paragraph (2).

3 “(2) CONTENTS.—Each Report shall include  
4 the following:

5 “(A) An estimate, for the fiscal year dur-  
6 ing which the Report is submitted and for the  
7 preceding fiscal year, of each of the following:

8 “(i) The regulatory costs imposed by  
9 each Executive branch agency on regulated  
10 entities.

11 “(ii) The aggregate costs imposed by  
12 each Executive branch agency.

13 “(iii) The aggregate costs imposed by  
14 all Executive branch agencies combined.

15 “(iv) The direct costs incurred by the  
16 Federal Government because of covered  
17 Federal rules issued by each Executive  
18 branch agency.

19 “(v) The sum of the costs described in  
20 clauses (iii) and (iv).

21 “(vi) The regulatory costs imposed by  
22 each Executive branch agency on small  
23 businesses, small organizations, and small  
24 governmental jurisdictions (as those terms  
25 are defined in section 601).



1                   “(vii) The sum of the costs described  
2                   in clause (vi).

3                   “(B) An analysis of any major changes in  
4                   estimation methodology used by the Office of  
5                   Regulatory Analysis since the previous annual  
6                   report.

7                   “(C) An analysis of any major estimate  
8                   changes caused by improved or inadequate data  
9                   since the previous annual report.

10                  “(D) Recommendations, both general and  
11                  specific, regarding the following:

12                         “(i) How regulations may be stream-  
13                         lined, simplified, and modernized.

14                         “(ii) Regulations that should be re-  
15                         pealed.

16                         “(iii) How the Federal Government  
17                         may reduce the costs of regulations with-  
18                         out diminishing the effectiveness of regula-  
19                         tions.

20                  “(E) Any other information that the Direc-  
21                  tor determines may be of assistance to Congress  
22                  in determining the National Regulatory Budget  
23                  required under section 655.

24                  “(b) REGULATORY ANALYSIS OF NEW RULES.—

1           “(1) REQUIREMENT.—The Director shall pub-  
2           lish in the Federal Register and on the website of  
3           the Office of Regulatory Analysis a regulatory anal-  
4           ysis of each proposed covered Federal rule issued by  
5           an Executive branch agency, and each proposed  
6           withdrawal or modification of a covered Federal rule  
7           by an Executive branch agency, that—

8                   “(A) imposes costs on a regulated entity;

9                   or

10                   “(B) reduces costs imposed on a regulated  
11                   entity.

12           “(2) CONTENTS.—Each regulatory analysis  
13           published under paragraph (1) shall include—

14                   “(A) an estimate of the change in regu-  
15                   latory cost of each proposed covered Federal  
16                   rule (or proposed withdrawal or modification of  
17                   a covered Federal rule); and

18                   “(B) any other information or rec-  
19                   ommendation that the Director may choose to  
20                   provide.

21           “(3) TIMING OF REGULATORY ANALYSIS.—

22                   “(A) INITIAL REGULATORY ANALYSIS.—  
23                   Not later than 60 days after the date on which  
24                   the Director receives a copy of a proposed cov-  
25                   ered Federal rule from the head of an Execu-

1           tive branch agency under paragraph (4), the  
2           Director shall publish an initial regulatory anal-  
3           ysis.

4                   “(B) REVISED REGULATORY ANALYSIS.—  
5           The Director may publish a revised regulatory  
6           analysis at any time.

7                   “(4) NOTICE TO DIRECTOR OF PROPOSED COV-  
8           ERED FEDERAL RULE.—The head of an Executive  
9           branch agency shall provide a copy of each proposed  
10          covered Federal rule to the Director in a manner  
11          prescribed by the Director.

12                   “(c) EFFECTIVE DATES.—

13                   “(1) IN GENERAL.—Except as provided in para-  
14          graph (2), a covered Federal rule may not take ef-  
15          fect earlier than 75 days after the date on which the  
16          head of the Executive branch agency proposing the  
17          covered Federal rule submits a copy of the proposed  
18          covered Federal rule to the Director in the manner  
19          prescribed by the Director under subsection (b)(4).

20                   “(2) EXCEPTION.—If the head of the Executive  
21          branch agency proposing a covered Federal rule de-  
22          termines that the public health or safety or national  
23          security requires that the covered Federal rule be  
24          promulgated earlier than the date specified under  
25          paragraph (1), the head of the Executive branch

1 agency may promulgate the covered Federal rule  
2 without regard to paragraph (1).

3 **“§ 654. Public disclosure of estimate methodology and**  
4 **data; privacy**

5 “(a) PRIVACY.—The Director shall comply with all  
6 relevant privacy laws, including—

7 “(1) the Confidential Information Protection  
8 and Statistical Efficiency Act of 2002 (44 U.S.C.  
9 3501 note);

10 “(2) section 9 of title 13; and

11 “(3) section 6103 of the Internal Revenue Code  
12 of 1986.

13 “(b) DISCLOSURE.—

14 “(1) IN GENERAL.—To the maximum extent  
15 permitted by law, the Director shall disclose, by pub-  
16 lication in the Federal Register and on the website  
17 of the Office of Regulatory Analysis, the method-  
18 ology and data used to generate the estimates in the  
19 report on national regulatory costs required pursu-  
20 ant to section 653.

21 “(2) GOAL OF DISCLOSURE.—In disclosing the  
22 methodology and data under paragraph (1), the Di-  
23 rector shall seek to provide sufficient information so  
24 that outside researchers may replicate the results  
25 contained in the report on national regulatory costs.

1 **“§ 655. National Regulatory Budget; timeline**

2 “(a) DEFINITION.—In this section:

3 “(1) ANNUAL AGENCY REGULATORY COST  
4 CAP.—The term ‘annual agency regulatory cost cap’  
5 means the maximum amount of regulatory costs that  
6 an Executive branch agency may impose in a fiscal  
7 year.

8 “(2) ANNUAL OVERALL REGULATORY COST  
9 CAP.—The term ‘annual overall regulatory cost cap’  
10 means the maximum amount of regulatory costs that  
11 all Executive branch agencies combined may impose  
12 in a fiscal year.

13 “(3) NATIONAL REGULATORY BUDGET.—The  
14 term ‘National Regulatory Budget’ means an Act of  
15 Congress that establishes, for a fiscal year—

16 “(A) the annual overall regulatory cost  
17 cap; and

18 “(B) an annual agency regulatory cost cap  
19 for each Executive branch agency.

20 “(b) COMMITTEE DEADLINES.—

21 “(1) REFERRAL.—Not later than March 31 of  
22 each year—

23 “(A) the Committee on Small Business  
24 and Entrepreneurship of the Senate shall refer  
25 to the Committee on Homeland Security and  
26 Governmental Affairs of the Senate a bill that

1 sets forth a National Regulatory Budget for the  
2 fiscal year beginning on October 1 of that year;  
3 and

4 “(B) the Committee on Small Business of  
5 the House of Representatives shall refer to the  
6 Committee on Oversight and Government Re-  
7 form of the House of Representatives a bill that  
8 sets forth a National Regulatory Budget for the  
9 fiscal year beginning on October 1 of that year.

10 “(2) REPORTING.—Not later than May 31 of  
11 each year—

12 “(A) the Committee on Homeland Security  
13 and Governmental Affairs of the Senate shall  
14 report a bill establishing a National Regulatory  
15 Budget for the fiscal year beginning on October  
16 1 of that year; and

17 “(B) the Committee on Oversight and Gov-  
18 ernment Reform of the House of Representa-  
19 tives shall report a bill establishing a National  
20 Regulatory Budget for the fiscal year beginning  
21 on October 1 of that year.

22 “(c) PASSAGE.—Not later than July 31 of each year,  
23 the House of Representatives and the Senate shall each  
24 pass a bill establishing a National Regulatory Budget for  
25 the fiscal year beginning on October 1 of that year.

1       “(d) PRESENTMENT.—Not later than September 15  
2 of each year, Congress shall pass and present to the Presi-  
3 dent a National Regulatory Budget for the fiscal year be-  
4 ginning on October 1 of that year.

5       “(e) DEFAULT BUDGET.—

6           “(1) IN GENERAL.—If a National Regulatory  
7 Budget is not enacted with respect to a fiscal year,  
8 the most recently enacted National Regulatory  
9 Budget shall apply to that fiscal year.

10       “(2) DEFAULT INITIAL BUDGET.—

11           “(A) CALCULATION.—If a National Regu-  
12 latory Budget is not enacted with respect to a  
13 fiscal year, and no National Regulatory Budget  
14 has previously been enacted—

15           “(i) the annual agency regulatory cost  
16 cap for an Executive branch agency for the  
17 fiscal year shall be equal to the amount of  
18 regulatory costs imposed by that Executive  
19 branch agency on regulated entities during  
20 the preceding fiscal year, as estimated by  
21 the Director in the annual report sub-  
22 mitted to Congress under section 653(a);  
23 and

1                   “(ii) the annual overall regulatory cost  
2                   cap for the fiscal year shall be equal to the  
3                   sum of the amounts described in clause (i).

4                   “(B) EFFECT.—For purposes of section  
5                   657, an annual agency regulatory cost cap de-  
6                   scribed in subparagraph (A) that applies to a  
7                   fiscal year shall have the same effect as if the  
8                   annual agency regulatory cost cap were part of  
9                   a National Regulatory Budget applicable to  
10                  that fiscal year.

11                  “(f) INITIAL BUDGET.—The first National Regu-  
12                  latory Budget shall be with respect to fiscal year 2016.

13                  **“§ 656. Executive branch agency cooperation manda-  
14                  tory; information sharing**

15                  “(a) EXECUTIVE BRANCH AGENCY COOPERATION  
16                  MANDATORY.—Not later than 45 days after the date on  
17                  which the Director requests any information from an Ex-  
18                  ecutive branch agency, the Executive branch agency shall  
19                  provide the Director with the information.

20                  “(b) MEMORANDA OF UNDERSTANDING REGARDING  
21                  CONFIDENTIALITY.—

22                  “(1) IN GENERAL.—An Executive branch agen-  
23                  cy may require the Director to enter into a memo-  
24                  randum of understanding regarding the confiden-  
25                  tiality of information provided by the Executive



1 branch agency to the Director under subsection (a)  
2 as a condition precedent to providing any requested  
3 information.

4 “(2) DEGREE OF CONFIDENTIALITY OR DATA  
5 PROTECTION.—An Executive branch agency may not  
6 require a greater degree of confidentiality or data  
7 protection from the Director in a memorandum of  
8 understanding entered into under paragraph (1)  
9 than the Executive branch agency itself must adhere  
10 to.

11 “(3) SCOPE.—A memorandum of understanding  
12 entered into by the Director and an Executive  
13 branch agency under paragraph (1) shall—

14 “(A) be general in scope; and

15 “(B) govern all pending and future re-  
16 quests made to the Executive branch agency by  
17 the Director.

18 “(c) SANCTIONS FOR NON-COOPERATION.—

19 “(1) IN GENERAL.—Any discretionary appro-  
20 priations made available to an Executive branch  
21 agency for a fiscal year shall be reduced pursuant to  
22 paragraph (2) if, during that fiscal year, the Direc-  
23 tor finds that—

1           “(A) the Executive branch agency has  
2 failed to timely provide information that the Di-  
3 rector requested under subsection (a);

4           “(B) the Director has provided notice of  
5 the failure described in subparagraph (A) to the  
6 Executive branch agency;

7           “(C) the Executive branch agency has  
8 failed to cure the failure described in subpara-  
9 graph (A) within 30 days of being notified  
10 under subparagraph (B); and

11           “(D) the information that the Director re-  
12 quested under subsection (a)—

13                   “(i) is in the possession of the Execu-  
14 tive branch agency; or

15                   “(ii) may reasonably be developed by  
16 the Executive branch agency.

17           “(2) RESCISSION.—Subject to paragraph (3),  
18 on the date that the Director of the Office of Man-  
19 agement and Budget, in consultation with the Office  
20 of Federal Financial Management and Financial  
21 Management Service, makes a finding under para-  
22 graph (1) that an Executive branch agency is non-  
23 cooperative, there is rescinded one-half of 1 percent  
24 of the unobligated discretionary appropriations avail-  
25 able to such agency.

1 “(3) APPEALS.—

2 “(A) IN GENERAL.—The Director of the  
3 Office of Management and Budget may reduce  
4 the amount of the rescission under paragraph  
5 (2), or except as provided in subparagraph (B),  
6 waive, a sanction imposed under paragraph (1)  
7 if the Director finds that—

8 “(i) the sanction is unwarranted;

9 “(ii) the sanction is disproportionate  
10 to the gravity of the failure;

11 “(iii) the failure has been cured; or

12 “(iv) providing the requested informa-  
13 tion would adversely affect national secu-  
14 rity.

15 “(B) NO WAIVER FOR HISTORICALLY NON-  
16 COMPLIANT AGENCIES.—The Director of the  
17 Office of Management and Budget may not  
18 waive a sanction imposed on an Executive  
19 branch agency under paragraphs (1) and (2) if  
20 the Executive branch agency has a history of  
21 non-compliance with requests for information  
22 by the Director of the Office of Regulatory  
23 Analysis under subsection (a).

24 “(d) NATIONAL SECURITY.—The Director may not  
25 require an Executive branch agency to provide information

1 under subsection (a) that would adversely affect national  
2 security.

3 **“§ 657. Enforcement**

4 “(a) EXCEEDING ANNUAL AGENCY REGULATORY  
5 COST CAP.—An Executive branch agency that exceeds the  
6 annual agency regulatory cost cap imposed by the Na-  
7 tional Regulatory Budget for a fiscal year may not pro-  
8 mulgate a new covered Federal rule that increases regu-  
9 latory costs until the Executive branch agency no longer  
10 exceeds the annual agency regulatory cost cap imposed by  
11 the applicable National Regulatory Budget.

12 “(b) DETERMINATION OF DIRECTOR.—

13 “(1) IN GENERAL.—An Executive branch agen-  
14 cy may not promulgate a covered Federal rule unless  
15 the Director determines, in conducting the regu-  
16 latory analysis of the covered Federal rule under  
17 section 653(b)(3)(A) that, after the Executive  
18 branch agency promulgates the covered Federal rule,  
19 the Executive branch agency will not exceed the an-  
20 nual agency regulatory cost cap for that Executive  
21 branch agency.

22 “(2) TIMING.—The Director shall make a de-  
23 termination under paragraph (1) with respect to a  
24 proposed covered Federal rule not later than 60

1 days after the Director receives a copy of the pro-  
2 posed covered Federal rule under section 653(b)(4).

3 “(c) EFFECT OF VIOLATION OF THIS SECTION.—

4 “(1) NO FORCE OR EFFECT.—A covered Fed-  
5 eral rule that is promulgated in violation of this sec-  
6 tion shall have no force or effect.

7 “(2) JUDICIAL ENFORCEMENT.—Any party  
8 may bring an action in a district court of the United  
9 States to declare that a covered Federal rule has no  
10 force or effect because the covered Federal rule was  
11 promulgated in violation of this section.

12 **“§ 658. Regulatory Analysis Advisory Board**

13 “(a) ESTABLISHMENT OF BOARD.—In accordance  
14 with the Federal Advisory Committee Act (5 U.S.C. App.),  
15 the Director shall—

16 “(1) establish a Regulatory Analysis Advisory  
17 Board; and

18 “(2) appoint not fewer than 9 and not more  
19 than 15 individuals as members of the Regulatory  
20 Analysis Advisory Board.

21 “(b) QUALIFICATIONS.—The Director shall appoint  
22 individuals with technical and practical expertise in eco-  
23 nomics, law, accounting, science, management, and other  
24 areas that will aid the Director in preparing the annual

1 report on national regulatory costs required under section  
2 653.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

4 (1) TABLE OF CHAPTERS.—The table of chap-  
5 ters for part I of title 5, United States Code, is  
6 amended by inserting after the item relating to  
7 chapter 6 the following:

“6A. National Regulatory Budget and Office of Regulatory Analysis 651”.

8 (2) INTERNAL REVENUE CODE OF 1986.—Sec-  
9 tion 6103(j) of the Internal Revenue Code of 1986  
10 is amended by adding at the end the following:

11 “(7) OFFICE OF REGULATORY ANALYSIS.—  
12 Upon written request by the Director of the Office  
13 of Regulatory Analysis established under section 652  
14 of title 5, United States Code, the Secretary shall  
15 furnish to officers and employees of the Office of  
16 Regulatory Analysis return information for the pur-  
17 pose of, but only to the extent necessary for, an  
18 analysis of regulatory costs.”.

19 **SEC. 3. REPORT ON DUPLICATIVE PERSONNEL; REPORT ON**  
20 **REGULATORY ANALYSIS.**

21 (a) REPORT ON DUPLICATIVE PERSONNEL.—Not  
22 later than December 31, 2014, the Director shall submit  
23 to Congress a report determining positions in the Federal  
24 Government that are—

1 (1) duplicative of the work performed by the  
2 Office of Regulatory Analysis established under sec-  
3 tion 652 of title 5, United States Code; or

4 (2) otherwise rendered cost ineffective by the  
5 work of the Office of Regulatory Analysis.

6 (b) REPORT ON REGULATORY ANALYSIS.—

7 (1) REPORT REQUIRED.—Not later than June  
8 30, 2015, the Director shall provide to Congress a  
9 report analyzing the practice with respect to, and  
10 the effectiveness of—

11 (A) chapter 6 of title 5, United States  
12 Code (commonly known as the “Regulatory  
13 Flexibility Act”);

14 (B) the Small Business Regulatory En-  
15 forcement Fairness Act of 1996 (5 U.S.C. 601  
16 note);

17 (C) chapter 35 of title 44, United States  
18 Code (commonly known as the “Paperwork Re-  
19 duction Act”);

20 (D) each Executive order that mandates  
21 economic analysis of Federal regulations; and

22 (E) Office of Management and Budget cir-  
23 culars, directives, and memoranda that mandate  
24 the economic analysis of Federal regulation.

1           (2) RECOMMENDATIONS.—The report under  
2           paragraph (1) shall include recommendations about  
3           how Federal regulatory analysis may be improved.

4 **SEC. 4. ADMINISTRATIVE PROCEDURE.**

5           (a) DEFINITION OF “RULE”.—Section 551(4) of title  
6 5, United States Code, is amended by inserting after “re-  
7 quirements of an agency” the following: “, whether or not  
8 the agency statement amends the Code of Federal Regula-  
9 tions and including, without limitation, a statement de-  
10 scribed by the agency as a regulation, rule, directive, or  
11 guidance,”.

12          (b) NOTICE OF PROPOSED RULEMAKING.—Section  
13 553(b) of title 5, United States Code, is amended, fol-  
14 lowing the flush text, in subparagraph (A) by striking “in-  
15 terpretative rules, general statements of policy, or”.

○