

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2804
OFFERED BY MR. COLLINS OF GEORGIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “All Economic Regula-
3 tions are Transparent Act of 2014” or the “ALERT Act
4 of 2014”.

**5 SEC. 2. OFFICE OF INFORMATION AND REGULATORY AF-
6 FAIRS PUBLICATION OF INFORMATION RE-
7 LATING TO RULES.**

8 (a) AMENDMENT.—Title 5, United States Code, is
9 amended by inserting after chapter 6, the following new
10 chapter:

**11 “CHAPTER 6A—OFFICE OF INFORMATION
12 AND REGULATORY AFFAIRS PUBLICA-
13 TION OF INFORMATION RELATING TO
14 RULES**

“Sec.

“651. Agency monthly submission to Office of Information and Regulatory Af-
 fairs.

“652. Office of Information and Regulatory Affairs Publications.

“653. Requirement for rules to appear in agency-specific monthly publication.

“654. Definitions.

1 **“§ 651. Agency monthly submission to Office of Infor-**
2 **mation and Regulatory Affairs**

3 “On a monthly basis, the head of each agency shall
4 submit to the Administrator of the Office of Information
5 and Regulatory Affairs (referred to in this chapter as the
6 ‘Administrator’), in such a manner as the Administrator
7 may reasonably require, the following information:

8 “(1) For each rule that the agency expects to
9 propose or finalize during the following year:

10 “(A) A summary of the nature of the rule,
11 including the regulation identifier number and
12 the docket number for the rule.

13 “(B) The objectives of and legal basis for
14 the issuance of the rule, including—

15 “(i) any statutory or judicial deadline;
16 and

17 “(ii) whether the legal basis restricts
18 or precludes the agency from conducting
19 an analysis of the costs or benefits of the
20 rule during the rule making, and if not,
21 whether the agency plans to conduct an
22 analysis of the costs or benefits of the rule
23 during the rule making.

24 “(C) Whether the agency plans to claim an
25 exemption from the requirements of section 553
26 pursuant to section 553(b)(B).

1 “(D) The stage of the rule making as of
2 the date of submission.

3 “(E) Whether the rule is subject to review
4 under section 610.

5 “(2) For any rule for which the agency expects
6 to finalize during the following year and has issued
7 a general notice of proposed rule making—

8 “(A) an approximate schedule for com-
9 pleting action on the rule; and

10 “(B) an estimate of whether the rule will
11 cost—

12 “(i) less than \$50,000,000;

13 “(ii) \$50,000,000 or more but less
14 than \$100,000,000;

15 “(iii) \$100,000,000 or more but less
16 than \$500,000,000;

17 “(iv) \$500,000,000 or more but less
18 than \$1,000,000,000;

19 “(v) \$1,000,000,000 or more but less
20 than \$5,000,000,000;

21 “(vi) \$5,000,000,000 or more but less
22 than \$10,000,000,000; or

23 “(vii) \$10,000,000,000 or more.

1 **“§ 652. Office of Information and Regulatory Affairs**
2 **Publications**

3 “(a) AGENCY-SPECIFIC INFORMATION PUBLISHED
4 MONTHLY.—Not later than 30 days after the submission
5 of information pursuant to section 651, the Administrator
6 shall make such information publicly available on the
7 Internet.

8 “(b) CUMULATIVE ASSESSMENT OF AGENCY RULE
9 MAKING PUBLISHED ANNUALLY.—

10 “(1) PUBLICATION IN THE FEDERAL REG-
11 ISTER.—Not later than October 1 of each year, the
12 Administrator shall publish in the Federal Register,
13 for the previous year the following:

14 “(A) The information that the Adminis-
15 trator received from the head of each agency
16 under section 651.

17 “(B) The number of rules and a list of
18 each such rule—

19 “(i) that was proposed by each agen-
20 cy, including, for each such rule, an indica-
21 tion of whether the issuing agency con-
22 ducted an analysis of the costs or benefits
23 of the rule; and

24 “(ii) that was finalized by each agen-
25 cy, including for each such rule an indica-
26 tion of whether—

1 “(I) the issuing agency conducted
2 an analysis of the costs or benefits of
3 the rule;

4 “(II) the agency claimed an ex-
5 emption from the procedures under
6 section 553 pursuant to section
7 553(b)(B); and

8 “(III) the rule was issued pursu-
9 ant to a statutory mandate or the rule
10 making is committed to agency discre-
11 tion by law.

12 “(C) The number of agency actions and a
13 list of each such action taken by each agency
14 that—

15 “(i) repealed a rule;

16 “(ii) reduced the scope of a rule;

17 “(iii) reduced the cost of a rule; or

18 “(iv) accelerated the expiration date
19 of a rule.

20 “(D) The total cost (without reducing the
21 cost by any offsetting benefits) of all rules pro-
22 posed or finalized, and the number of rules for
23 which an estimate of the cost of the rule was
24 not available.

1 “(2) PUBLICATION ON THE INTERNET.—Not
2 later than October 1 of each year, the Administrator
3 shall make publicly available on the Internet the fol-
4 lowing:

5 “(A) The analysis of the costs or benefits,
6 if conducted, for each proposed rule or final
7 rule issued by an agency for the previous year.

8 “(B) The docket number and regulation
9 identifier number for each proposed or final
10 rule issued by an agency for the previous year.

11 “(C) The number of rules and a list of
12 each such rule reviewed by the Director of the
13 Office of Management and Budget for the pre-
14 vious year, and the authority under which each
15 such review was conducted.

16 “(D) The number of rules and a list of
17 each such rule for which the head of an agency
18 completed a review under section 610 for the
19 previous year.

20 “(E) The number of rules and a list of
21 each such rule submitted to the Comptroller
22 General under section 801.

23 “(F) The number of rules and a list of
24 each such rule for which a resolution of dis-
25 approval was introduced in either the House of

1 Representatives or the Senate under section
2 802.

3 **“§ 653. Requirement for rules to appear in agency-**
4 **specific monthly publication**

5 “(a) IN GENERAL.—Subject to subsection (b), a rule
6 may not take effect until the information required to be
7 made publicly available on the Internet regarding such
8 rule pursuant to section 652(a) has been so available for
9 not less than 6 months.

10 “(b) EXCEPTIONS.—The requirement of subsection
11 (a) shall not apply in the case of a rule—

12 “(1) for which the agency issuing the rule
13 claims an exception under section 553(b)(B); or

14 “(2) which the President determines by Execu-
15 tive Order should take effect because the rule is—

16 “(A) necessary because of an imminent
17 threat to health or safety or other emergency;

18 “(B) necessary for the enforcement of
19 criminal laws;

20 “(C) necessary for national security; or

21 “(D) issued pursuant to any statute imple-
22 menting an international trade agreement.

1 **“§ 654. Definitions**

2 “In this chapter, the terms ‘agency’, ‘agency action’,
3 ‘rule’, and ‘rule making’ have the meanings given those
4 terms in section 551.”.

5 (b) TECHNICAL AND CONFORMING AMENDMENT.—

6 The table of chapters for part I of title 5, United States
7 Code, is amended by inserting after the item relating to
8 chapter 5, the following:”.

“6. The Analysis of Regulatory Functions 601
“6A. Office of Information and Regulatory Affairs Publication of Infor-
mation Relating to Rules 651”.

9 (c) EFFECTIVE DATES.—

10 (1) AGENCY MONTHLY SUBMISSION TO THE OF-

11 FICE OF INFORMATION AND REGULATORY AF-

12 FAIRS.—The first submission required pursuant to

13 section 651 of title 5, United States Code, as added

14 by subsection (a), shall be submitted not later than

15 30 days after the date of the enactment of this Act,

16 and monthly thereafter.

17 (2) CUMULATIVE ASSESSMENT OF AGENCY

18 RULE MAKING.—

19 (A) IN GENERAL.—Subsection (b) of sec-

20 tion 652 of title 5, United States Code, as

21 added by subsection (a), shall take effect on the

22 date that is 60 days after the date of the enact-

23 ment of this Act.

1 (B) DEADLINE.—The first requirement to
2 publish or make available, as the case may be,
3 under subsection (b) of section 652 of title 5,
4 United States Code, as added by subsection (a),
5 shall be the first October 1 after the effective
6 date of such subsection.

7 (C) FIRST PUBLICATION.—The require-
8 ment under section 652(b)(A) of title 5, United
9 States Code, as added by subsection (a), shall
10 include for the first publication, any analysis of
11 the costs or benefits conducted for a proposed
12 or final rule, for the 10 years before the date
13 of the enactment of this Act.

14 (3) REQUIREMENT FOR RULES TO APPEAR IN
15 AGENCY-SPECIFIC MONTHLY PUBLICATION.—Section
16 653 of title 5, United States Code, as added by sub-
17 section (a), shall take effect on the date that is 8
18 months after the date of the enactment of this Act.

