

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7867
OFFERED BY MR. COMER OF KENTUCKY**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Renewing Efficiency
3 in Government by Budgeting Act of 2024” or the “REG
4 Budgeting Act of 2024”.

5 SEC. 2. REGULATORY BUDGETING.

6 (a) REGULATORY BUDGETING.—Title II of the Un-
7 funded Mandates Reform Act of 1995 (Public Law 104-
8 4; 15 U.S.C. 1531 et seq.) is amended by adding at the
9 end the following:

10 “SEC. 210. REGULATORY BUDGETING.

11 “(a) LIMIT FOR THE AMOUNT OF ADDITIONAL UN-
12 FUNDED REGULATORY COSTS THAT MAY BE IMPOSED
13 EACH FISCAL YEAR.—

14 “(1) ESTABLISHMENT.—

15 “(A) IN GENERAL.—On or before Sep-
16 tember 30 of each fiscal year, the Director shall
17 establish—

1 “(i) a limit on the amount of addi-
2 tional unfunded regulatory costs that may
3 be imposed collectively by the heads of all
4 agencies in the next fiscal year; and

5 “(ii) as part of the limit established
6 under clause (i), a limit on the amount of
7 additional unfunded regulatory costs that
8 may be imposed individually by the head of
9 each agency in the next fiscal year.

10 “(B) ADDITIONAL MATTERS RELATED TO
11 LIMIT.—The Director may require as part of a
12 limit under subparagraph (A), that cumulative
13 unfunded regulatory costs be reduced, including
14 for the purpose of offsetting any additional un-
15 funded regulatory costs that may be imposed by
16 the heads of agencies during the fiscal year for
17 which the limit is established.

18 “(C) CONGRESSIONAL APPROVAL.—The
19 Director may not establish a limit under sub-
20 paragraph (A) that allows the head of an agen-
21 cy to impose an additional unfunded regulatory
22 cost unless Congress approves such limit.

23 “(2) REPORTS.—

1 “(A) AGENCY-WIDE LIMIT.—Not later than
2 7 days after establishing a limit under para-
3 graph (1)(A)(i), the Director shall—

4 “(i) submit a report that identifies the
5 limit established, and contains a reasoned
6 statement of the basis and purpose of es-
7 tablishing such limit, to the appropriate
8 congressional committees; and

9 “(ii) publish the report on the website
10 designated under subparagraph (D).

11 “(B) AGENCY-SPECIFIC LIMIT.—Not later
12 than 7 days after establishing a limit under
13 paragraph (1)(A)(ii) with respect to an agency,
14 the Director shall—

15 “(i) submit a report that identifies the
16 limit established, and contains a reasoned
17 statement of the basis and purpose of es-
18 tablishing such limit, to—

19 “(I) the appropriate congres-
20 sional committees; and

21 “(II) each standing committee
22 with jurisdiction under the rules of
23 the House of Representatives or the
24 Senate to report a bill to amend the
25 provisions of law under which the

1 head of the agency is authorized to
2 promulgate rules; and

3 “(ii) publish the report on the website
4 designated under subparagraph (D).

5 “(C) PROHIBITION ON PROMULGATING
6 CERTAIN RULES UNTIL SUBMISSION OF REPORT
7 TO APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—

9 “(i) IN GENERAL.—The head of an
10 agency may not finalize a rule that im-
11 poses an additional unfunded regulatory
12 cost until the Director submits to the ap-
13 propriate congressional committees the re-
14 ports required by subparagraph (A)(i) and
15 subparagraph (B)(i) for the fiscal year in
16 which the rule would be finalized.

17 “(ii) EXCEPTION.—The prohibition
18 under clause (i) shall not apply to any rule
19 with respect to which the President issues
20 an Executive Order stating that the rule
21 should take effect because the rule is—

22 “(I) necessary—

23 “(aa) because of an emer-
24 gency, including an imminent
25 threat to health or safety;

1 “(bb) for the enforcement of
2 criminal laws; or

3 “(cc) for national security;
4 or

5 “(II) being issued pursuant to a
6 law implementing an international
7 trade agreement.

8 “(D) DESIGNATION OF WEBSITE.—Not
9 later than 90 days after the date of the enact-
10 ment of this subsection, the Director shall des-
11 ignate a website through which the Director will
12 publish reports in accordance with subpara-
13 graphs (A) and (B).

14 “(b) RULES RESULTING IN LIMIT BEING EXCEED-
15 ED.—

16 “(1) CONGRESSIONAL APPROVAL.—If the pro-
17 mulgation of any individual rule would result in a
18 limit established under subsection (a)(1)(A) being
19 exceeded, the rule may not go into effect during the
20 fiscal year in which the rule is promulgated unless
21 and until Congress approves such rule during such
22 fiscal year.

23 “(2) NOTIFICATION.—In the case that the head
24 of an agency determines that finalizing a rule may
25 result in the amount of additional unfunded regu-

1 latory costs imposed by the head of the agency dur-
2 ing that fiscal year to exceed a limit established
3 under subsection (a)(1)(A), the head of the agen-
4 cy—

5 “(A) shall submit, before promulgating a
6 general notice of a final rule with respect to
7 such rule, a notification to the Director that in-
8 cludes—

9 “(i) a justification for exceeding such
10 limit as a result of such rule;

11 “(ii) by how much the limit will be ex-
12 ceeded as a result of such rule; and

13 “(iii) whether the head of the agency
14 identified or considered any alternatives to
15 such rule that would have imposed a lesser
16 amount of additional unfunded regulatory
17 costs, and if so, how much less such
18 amount would have been; and

19 “(B) may not promulgate such rule until
20 the head of the agency receives from the Direc-
21 tor a notification under paragraph (3)(C) with
22 respect to such rule.

23 “(3) DETERMINATION BY DIRECTOR.—After re-
24 ceiving a notification under paragraph (2), the Di-
25 rector shall—

1 “(A) determine whether finalizing such
2 rule during that fiscal year will result in a limit
3 established under subsection (a)(1)(A) being ex-
4 ceeded;

5 “(B) determine whether the Director
6 agrees with the determination of the head of
7 the agency that such rule should be finalized
8 notwithstanding such limit; and

9 “(C) submit a written notification to the
10 head of the agency on the determinations made
11 under subparagraphs (A) and (B).

12 “(4) REPORT TO CONGRESS.—In the case that
13 the Director determines under paragraph (3)(B)
14 that the Director agrees with a determination by the
15 head of an agency to finalize a rule that will result
16 in a limit established under subsection (a)(1)(A)
17 being exceeded, not later than 7 days after the Di-
18 rector submits a notification to the head of an agen-
19 cy under paragraph (3)(C) with respect to such de-
20 termination, the Director shall submit to the appro-
21 priate congressional committees, each standing com-
22 mittee with jurisdiction under the rules of the House
23 of Representatives or the Senate to report a bill to
24 amend the provision of law under which the rule is
25 to be promulgated, and the Comptroller General, a

1 notification regarding such determination by the Di-
2 rector that includes—

3 “(A) the information provided by the head
4 of the agency to the Director under paragraph
5 (2)(A) with respect to such rule; and

6 “(B) a reasoned statement of the basis and
7 purpose of such determination.

8 “(c) STATEMENT REGARDING ADDITIONAL UN-
9 FUNDED REGULATORY COSTS.—In publishing a general
10 notice of a final rule, the head of an agency shall include
11 in such notice a statement that includes—

12 “(1) whether the rule will result in the amount
13 of additional unfunded regulatory costs imposed by
14 the agency during the fiscal year in which the rule
15 is finalized to exceed a limit established under sub-
16 section (a)(1)(A); and

17 “(2) in the case that the rule will result in the
18 amount of additional unfunded regulatory costs im-
19 posed by the agency during the fiscal year in which
20 the rule is finalized to exceed a limit established
21 under subsection (a)(1)(A)—

22 “(A) by how much the limit will be exceed-
23 ed as a result of the rule;

24 “(B) a justification for exceeding such
25 limit as a result of the rule;

1 “(C) whether the agency identified or con-
2 sidered any alternatives to the rule that would
3 have imposed a lesser amount of additional un-
4 funded regulatory costs, and if so, how much
5 less such amount would have been;

6 “(D) that the head of the agency sub-
7 mitted a notification to the Director under sub-
8 section (b)(2); and

9 “(E) the determinations made by the Di-
10 rector under subsection (b)(3) with respect to
11 such rule.

12 “(d) ANNUAL REPORT.—On or before October 30 of
13 each fiscal year, the Director shall submit to the appro-
14 priate congressional committees a report on the adminis-
15 tration by the Director of the limits established under sub-
16 section (a)(1)(A) for the prior fiscal year, including—

17 “(1) whether the total amount of additional un-
18 funded regulatory costs imposed by all agencies in
19 the prior fiscal year met or exceeded the limit estab-
20 lished under clause (i) of such subsection;

21 “(2) whether the total amount of additional un-
22 funded regulatory costs imposed by the head of each
23 agency in the prior fiscal year met or exceeded the
24 limit established for such costs under clause (ii) of
25 such subsection;

1 “(3) a detailed statement that—

2 “(A) identifies by how much, and as a re-
3 sult of finalizing which rule or rules, any such
4 limit was exceeded; and

5 “(B) includes a justification for exceeding
6 any such limit as a result of finalizing such rule
7 or rules;

8 “(4) a list of each rule with respect to which
9 the Director determined under subsection (b)(3)(B)
10 that the Director agreed with a determination by the
11 head of an agency to finalize the rule notwith-
12 standing a limit established under subsection
13 (a)(1)(A).

14 “(e) DEFINITIONS.—In this section:

15 “(1) ADDITIONAL UNFUNDED REGULATORY
16 COST.—The term ‘additional unfunded regulatory
17 cost’ means an unfunded regulatory cost that had
18 not been required to be incurred by a State, local,
19 or Tribal government, or the private sector, as a re-
20 sult of a Federal mandate in a rule during any pre-
21 ceding fiscal year.

22 “(2) APPROPRIATE CONGRESSIONAL COMMIT-
23 TEES.—The term ‘appropriate congressional com-
24 mittees’ means—

1 “(A) the Committee on Oversight and Ac-
2 countability of the House of Representatives;
3 and

4 “(B) the Committee on Homeland Security
5 and Governmental Affairs of the Senate.

6 “(3) COST.—The term ‘cost’ means—

7 “(A) a direct cost; or

8 “(B) a quantifiable cost that can be esti-
9 mated using the methods and concepts de-
10 scribed in Office of Management and Budget
11 Circular A–4 issued on September 17, 2003.

12 “(4) CUMULATIVE UNFUNDED REGULATORY
13 COSTS.—The term ‘cumulative unfunded regulatory
14 costs’ means all costs required to be incurred by a
15 State, local, or Tribal government, or by the private
16 sector as a result of all Federal mandates included
17 in rules during all preceding fiscal years.

18 “(5) DIRECTOR.—The term ‘Director’ means
19 the Director of the Office of Management and Budg-
20 et.

21 “(6) UNFUNDED REGULATORY COST.—The
22 term ‘unfunded regulatory cost’ means a cost re-
23 quired to be incurred by a State, local, or Tribal
24 government, or by the private sector, as a result of
25 a Federal mandate included in a rule.”.

1 (b) ANALYSIS OF WHETHER RULE EXCEEDS BUDG-
2 ET.—Section 202 of the Unfunded Mandates Reform Act
3 of 1995 (Public Law 104–4; 2 U.S.C. 1532) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (4), by striking “; and”
6 inserting a semicolon;

7 (B) in paragraph (5), by striking the pe-
8 riod at the end and inserting “; and”; and

9 (C) by adding at the end the following:

10 “(6) an analysis of whether the proposed rule
11 or final rule, as applicable, may or will result in the
12 total amount of additional unfunded regulatory costs
13 (as that term is defined in section 210) imposed by
14 the head of the agency during the fiscal year in
15 which the rule is issued exceeding a limit established
16 under section 210(a)(1)(A)(ii) for the agency.”; and

17 (2) in subsection (c), by striking “subsection
18 (a)” each place such term appears and inserting
19 “paragraphs (1) through (5) of subsection (a)”.

20 (c) EFFECTIVE DATE.—Notwithstanding section 209
21 of the Unfunded Mandates Reform Act of 1995 (Public
22 Law 104–4; 15 U.S.C. 1531 note), the amendments made
23 by this Act shall take effect on the date of the enactment
24 of this Act.

