

112TH CONGRESS
1ST SESSION

S. 1339

To provide for the compilation and reporting of participation data relating to Federal rulemaking.

IN THE SENATE OF THE UNITED STATES

JULY 7, 2011

Mr. WHITEHOUSE introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To provide for the compilation and reporting of participation data relating to Federal rulemaking.

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 “Regulatory Informa-
5 tion Reporting Act of 2011”.

6 **SEC. 2. REPORTING AND COMPILATION OF PARTICIPATION**

7 **DATA.**

8 (a) DEFINITIONS.—In this Act—

9 (1) the term “agency” has the meaning given
10 under section 551(1) of title 5, United States Code;

1 (2) the term “General Services Administration
2 Office” means—

3 (A) except as provided under subparagraph
4 (B), the Regulatory Information Service Center;
5 or

6 (B) another office within the General Serv-
7 ices Administration designated by the Adminis-
8 trator of General Services;

9 (3) the term “participant” means the employing
10 or affiliated organization of an individual rep-
11 resenting interests before an agency promulgating a
12 rule;

13 (4) the term “rule” has the meaning given
14 under section 551(4) of title 5, United States Code;
15 and

16 (5) the term “rulemaking” has the meaning
17 given under section 551(5) of title 5, United States
18 Code.

19 (b) REPRESENTATION BY PARTICIPANTS.—For pur-
20 poses of this section, a participant represents—

21 (1) an economic interest when the participant—
22 (A) has a substantial economic interest in
23 the outcome of the rulemaking;

1 (B) represents an entity with a substantial
2 economic interest in the outcome of the rule-
3 making; or

4 (C) represents an association that receives
5 substantial membership dues or contributions
6 from entities that have a substantial economic
7 interest in the outcome of the rulemaking;

8 (2) a non-economic interest when the partici-
9 pant claims to represent the public at large and does
10 not represent an economic interest;

11 (3) a citizen interest when the participant does
12 not claim to represent the public at large and does
13 not represent an economic interest; and

14 (4) an unknown interest if the promulgating
15 agency cannot reasonably discern whether the partici-
16 pant represents an economic, non-economic, or citi-
17 zen interest.

18 (c) SUBMISSION OF REGULATORY INFORMATION TO
19 GENERAL SERVICES ADMINISTRATION.—Before publica-
20 tion in the Federal Register of a final rule under section
21 553 of title 5, United States Code, the promulgating agen-
22 cy shall submit to the General Services Administration Of-
23 fice a list of all non-Federal Government participants who
24 provided public comments to the agency on the rule, speci-
25 fying, as reasonably possible—

1 (1) the name and address of the participant;

2 (2) the participant's organizational affiliation,
3 where appropriate;

4 (3) whether the participant represents an eco-
5 nomic interest, a non-economic interest, a citizen in-
6 terest, or an unknown interest; and

7 (4) whether any comment of the participant af-
8 fected or did not affect the content of the final rule.

9 (d) COMPILATION, PUBLICATION, AND REPORTING
10 OF INFORMATION BY GENERAL SERVICES ADMINISTRA-
11 TION.—

12 (1) SEARCHABLE DATABASE.—The General
13 Services Administration Office shall compile the in-
14 formation provided by promulgating agencies under
15 subsection (c) into a searchable database made pub-
16 licly available on the Internet. The database shall be
17 kept as current as reasonably possible.

18 (2) QUARTERLY TREND AND OVERVIEW STATIS-
19 TICS.—The General Services Administration Office
20 shall make publicly available on the Internet quar-
21 terly trend and overview statistics. The General
22 Services Administration Office shall present the data
23 received from promulgating agencies in a manner so
24 as to facilitate oversight, and shall emphasize the
25 relative level and effectiveness of participation in the

1 regulatory process of economic, non-economic, and
2 citizen interests.

3 (3) ANNUAL REPORTS.—The General Services
4 Administration Office shall submit an annual report
5 to the relevant committees of Congress that summa-
6 rizes the data received from promulgating agencies,
7 with an emphasis on the relative level and effective-
8 ness of participation in the regulatory process of
9 economic, non-economic, and citizen interests.

10 (4) CONSULTATION.—In performing its duties
11 under this section, the General Services Administra-
12 tion Office shall consult with the Administrative
13 Conference of the United States as the General
14 Services Administration Office determines appro-
15 priate.

16 (e) REGULATIONS.—Not later than 90 days after the
17 date of enactment of this Act, the Administrator of Gen-
18 eral Services shall promulgate regulations necessary to im-
19 plement this section.

20 **SEC. 3. EFFECTIVE DATE.**

21 This Act shall take effect 180 days after the date of
22 enactment of this Act.

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