

114TH CONGRESS
2D SESSION

H. R. 5513

To provide for Federal agency accountability and improve the effectiveness of major rules in accomplishing their regulatory objectives by requiring retrospective review and report, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2016

Mr. GRAVES of Louisiana (for himself, Mr. CUELLAR, Mr. BOUSTANY, Mr. ABRAHAM, Mr. CRAMER, Mr. BABIN, Mr. AUSTIN SCOTT of Georgia, Mr. BISHOP of Michigan, Mr. LOUDERMILK, Mr. KING of Iowa, Mr. ROKITA, Mr. GOHMERT, Mr. HULTGREN, Mr. YOHO, Mr. DOLD, and Mr. SMITH of Missouri) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for Federal agency accountability and improve the effectiveness of major rules in accomplishing their regulatory objectives by requiring retrospective review and report, 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 “Providing Retrospec-
5 tive Observations Validating Economics and Increasing

1 Transparency Act of 2016” or as the “PROVE IT Act
2 of 2016”.

3 **SEC. 2. INCORPORATING RETROSPECTIVE REVIEW FOR**
4 **NEW MAJOR RULES.**

5 (a) IN GENERAL.—Subchapter II of chapter 5 of title
6 5, United States Code, is amended—

7 (1) in section 551—

8 (A) in paragraph (13), by striking “; and”
9 and inserting a semicolon;

10 (B) in paragraph (14), by striking the pe-
11 riod at the end and inserting a semicolon; and

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

13 “(15) ‘Administrator’ means the Administrator
14 of the Office of Information and Regulatory Affairs
15 of the Office of Management and Budget; and

16 “(16) ‘major rule’ means any rule that the Ad-
17 ministrator finds has resulted in or is likely to result
18 in—

19 “(A) an annual effect on the economy of
20 \$100,000,000 or more;

21 “(B) a major increase in costs or prices for
22 consumers, individual industries, Federal,
23 State, or local government agencies, or geo-
24 graphic regions; or

1 “(C) significant adverse effects on competi-
2 tion, employment, investment, productivity, in-
3 novation, or on the ability of United States-
4 based enterprises to compete with foreign-based
5 enterprises in domestic and export markets.”;
6 and

7 (2) in section 553, by adding at the end the fol-
8 lowing:

9 “(f) REGULATION-SPECIFIC FRAMEWORKS.—

10 “(1) IN GENERAL.—Beginning 180 days after
11 the date of enactment of this subsection, when an
12 agency publishes a final major rule in the Federal
13 Register, the agency shall publish a report on the
14 benefits and costs of the final rule on entities whose
15 conduct is regulated by the rule in the Federal Reg-
16 ister biannually thereafter while the rule remains in
17 effect. The report shall—

18 “(A) assess the impacts, including any
19 costs, of the major rule on regulated entities;

20 “(B) include a determination about how
21 the actual benefits and costs of the major rule
22 has varied from those anticipated at the time
23 the major rule was issued;

1 “(C) assess the effectiveness and benefits
2 of the major rule in producing the regulatory
3 objectives of the major rule; and

4 “(D) be reviewed by the Administrator
5 when required under Executive order.

6 “(2) REPORT TO CONGRESS.—The agency shall
7 provide a report to Congress not later than 90 days
8 after the agency makes any determination under
9 paragraph (1)(C) that the cost to regulated entities
10 has exceeded the anticipated cost at the time the
11 final rule was issued. Agencies shall assess in their
12 report—

13 “(A) whether the major rule is accom-
14 plishing its regulatory objective; and

15 “(B) whether the major rule has been ren-
16 dered unnecessary, taking into consideration—

17 “(i) changes in the subject area af-
18 fected by the major rule;

19 “(ii) whether the major rule overlaps,
20 duplicates, or conflicts with other rules or,
21 to the extent feasible, State and local gov-
22 ernment regulations; and

23 “(iii) other alternatives to the major
24 rule or modification of the major rule could
25 achieve better results while imposing a

1 smaller burden on society or at a lower
2 cost, taking into consideration any cost al-
3 ready incurred.

4 “(3) REOPENING OF PUBLIC DOCKET.—Upon
5 delivery of the report required in paragraph (2) the
6 agency shall—

7 “(A) reopen the public docket for 60 days
8 to receive additional comments; and

9 “(B) consider modifications or alternatives
10 that reduce costs and increase benefits to regu-
11 lated entities or individuals.

12 “(4) RULE OF CONSTRUCTION.—Nothing in
13 this subsection may be construed to affect any other
14 provision of law that requires an agency to conduct
15 retrospective reviews of rules issued by the agency.”.

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