

118TH CONGRESS
1ST SESSION

H. R. 6666

To codify Executive Order 13771 (relating to reducing regulation and controlling regulatory costs).

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2023

Mr. GALLAGHER introduced the following bill; which was referred to the Committee on Oversight and Accountability, and in addition to the Committee on the Judiciary, 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

A BILL

To codify Executive Order 13771 (relating to reducing regulation and controlling regulatory costs).

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 “2 for 1 Act”.

5 **SEC. 2. REQUIREMENT TO IDENTIFY 2 RULES TO BE RE-**
6 **PEALED WHEN PROPOSING OR PROMUL-**
7 **GATING A NEW RULE.**

8 (a) IDENTIFICATION OF 2 RULES TO BE REPEALED
9 REQUIRED.—The head of an agency shall identify at least

1 2 of the rules of the agency to be repealed when the agency
2 publicly proposes for notice and comment or otherwise
3 promulgates a new rule.

4 (b) INCREMENTAL COST OF NEW RULES.—With re-
5 spect to each fiscal year, the total incremental cost of all
6 new rules, including any repealed rule, to be finalized in
7 that fiscal year may not be greater than zero, unless a
8 rule is required by law or consistent with advice provided
9 in writing by the Director.

10 (c) INCREMENTAL COST OFFSET.—Any new incre-
11 mental cost associated with a new rule issued on or after
12 the date of the enactment of this Act shall be offset by
13 the elimination of costs associated with at least two other
14 rules identified to be repealed pursuant to subsection (a).

15 (d) AGENCY GUIDANCE BY DIRECTOR.—Not later
16 than 90 days after the date of the enactment of this Act,
17 and periodically thereafter as the Director determines to
18 be necessary, the Director shall provide the head of each
19 agency with guidance on the implementation of this sec-
20 tion that includes the following:

21 (1) Processes for standardizing the measure-
22 ment and estimation of the regulatory cost of the
23 rule on private entities.

24 (2) Standards for determining what qualifies as
25 a new and offsetting rule.

1 (3) Standards for determining the cost of a rule
2 that may be eliminated.

3 (4) Processes for accounting for costs in dif-
4 ferent fiscal years.

5 (5) Methods to oversee the issuance of new
6 rules with costs offset by savings at different times
7 or different agencies.

8 (6) Emergencies and other circumstances that
9 might justify individual waivers of the requirements
10 of this section.

11 (e) ANNUAL REGULATORY COST SUBMISSIONS TO
12 OMB.—

13 (1) AGENCY IDENTIFICATION OF INCREMENTAL
14 AND OFFSETTING COSTS FOR RULES.—Beginning
15 with the regulatory plans required under Executive
16 Order 12866 (58 Fed. Reg. 51735; relating to regu-
17 latory planning and review) for the fiscal year of the
18 date of the enactment of this Act, and for each fiscal
19 year thereafter, the head of each agency shall iden-
20 tify, for each rule that increases incremental cost,
21 the offsetting rules described in subsection (c), and
22 provide the best approximation of the total costs or
23 savings associated with each new rule or repealed
24 rule.

1 (2) PROHIBITION ON ISSUANCE OF RULE NOT
2 INCLUDED IN THE UNIFIED REGULATORY AGEN-
3 DA.—The head of an agency may not issue a rule
4 if the rule was not included on the most recent
5 version or update of the published Unified Regu-
6 latory Agenda as required under Executive Order
7 12866, unless the issuance of the rule was approved
8 in advance in writing by the Director.

9 (3) OMB IDENTIFICATION OF INCREMENTAL
10 COSTS FOR RULES.—Not later than the first Monday
11 in February of each year, the Director shall identify
12 a total amount of incremental cost for each agency
13 that will be allowed for the agency to issue and re-
14 peal rules for the next fiscal year.

15 (4) ISSUANCE OF AGENCY RULES REQUIRED TO
16 BE WITHIN TOTAL INCREMENTAL COST ALLOW-
17 ANCE.—The head of an agency may not issue a rule
18 that exceeds the total incremental cost allowance for
19 the agency identified by the Director under para-
20 graph (3), unless the rule is required by law or ap-
21 proved in writing by the Director. The total incre-
22 mental cost allowance may allow an increase or re-
23 quire a reduction in the total regulatory cost of the
24 rule on private entities.

1 (5) OMB GUIDANCE.—Not later than 90 days
2 after the date of the enactment of this Act, the Di-
3 rector shall provide to the head of each agency guid-
4 ance on the implementation of the requirements in
5 this subsection.

6 (f) DEFINITIONS.—In this section:

7 (1) AGENCY.—The term “agency” has the
8 meaning given that term in section 551 of title 5,
9 United States Code.

10 (2) DIRECTOR.—The term “Director” means
11 the Director of the Office of Management and Budg-
12 et.

13 (3) RULE.—The term “rule” means an agency
14 statement of general or particular applicability and
15 future effect designed to implement, interpret, or
16 prescribe law or policy or to describe the procedure
17 or practice requirements of an agency, but does not
18 include any of the following:

19 (A) A rule issued with respect to a mili-
20 tary, national security, or foreign affairs func-
21 tion of the United States.

22 (B) A rule related to agency organization,
23 management, or personnel.

- 1 (C) Any other category of rules exempted
- 2 by the Director.

