

118TH CONGRESS
1ST SESSION

S. 1419

To require each agency to repeal 3 existing regulations before issuing a new regulation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 3, 2023

Mr. SCHMITT (for himself, Mr. BRAUN, Mrs. BRITT, Mr. HAWLEY, and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require each agency to repeal 3 existing regulations before issuing a new regulation, 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 “Expediting Reform
5 And Stopping Excess Regulations Act” or the “ERASER
6 Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) AGENCY; RULE.—The terms “agency” and
 2 “rule” have the meanings given those terms in sec-
 3 tion 551 of title 5, United States Code.

4 (2) MAJOR RULE.—The term “major rule” has
 5 the meaning given the term in section 804 of title
 6 5, United States Code.

7 (3) STATE.—The term “State” means each of
 8 the several States, the District of Columbia, each
 9 territory or possession of the United States, and
 10 each federally recognized Indian tribe.

11 **SEC. 3. REPEAL OF REGULATIONS REQUIRED BEFORE**
 12 **ISSUANCE OF A NEW RULE.**

13 (a) REQUIREMENT FOR RULE.—An agency may not
 14 issue a rule unless the agency has repealed 3 or more rules
 15 described in subsection (c) that, to the extent practicable,
 16 are related to the rule.

17 (b) REQUIREMENT FOR MAJOR RULE.—

18 (1) REPEAL REQUIRED.—An agency may not
 19 issue a major rule unless—

20 (A) the agency has repealed 3 or more
 21 rules described in subsection (c) that, to the ex-
 22 tent practicable, are related to the major rule;
 23 and

24 (B) the cost of the new major rule is less
 25 than or equal to the cost of the rules repealed.

1 (2) CERTIFIED COST.—For any rule issued in
2 accordance with paragraph (1), the Administrator of
3 the Office of Information and Regulatory Affairs of
4 the Office of Management and Budget shall certify
5 that the cost of the new major rule is equal to or
6 less than the cost of the rules repealed.

7 (c) REPEALED RULES DESCRIBED.—A rule de-
8 scribed in this section—

9 (1) does not include an interpretative rule, gen-
10 eral statement of policy, or rule of agency organiza-
11 tion, procedure, or practice; and

12 (2) was issued through the notice and comment
13 rulemaking process under section 553 of title 5,
14 United States Code.

15 (d) PUBLICATION REQUIRED.—Any rule repealed
16 under subsection (a) or (b) shall be published in the Fed-
17 eral Register.

18 (e) APPLICABILITY.—This section—

19 (1) applies to any rule or major rule that im-
20 poses a cost or responsibility on a nongovernmental
21 person or a State or local government; and

22 (2) shall not apply to any rule or major rule
23 that relates to the management, organization, or
24 personnel of an agency or procurement by the agen-
25 cy.

1 **SEC. 4. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF**
2 **RULES.**

3 Not later than 1 year after the date of enactment
4 of this Act, and every 5 years thereafter, the Comptroller
5 General of the United States shall conduct a study and
6 submit to Congress a report that includes, as of the date
7 on which the report is submitted—

- 8 (1) the number of rules that are in effect;
9 (2) the number of major rules that are in ef-
10 fect; and
11 (3) the total estimated economic cost imposed
12 by the rules described in paragraphs (1) and (2).

○