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119TH CONGRESS
1ST SESSION

H. R. 572

To prohibit the use of non-monetized or unqualified factors for regulatory analyses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2025

Mr. SESSIONS (for himself and Ms. HAGEMAN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Small Business, 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

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A BILL

To prohibit the use of non-monetized or unqualified factors for regulatory analyses, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘Regulations Evaluated to Determine The Anticipated Price and Effect Act’’ or the ‘‘RED TAPE Act’’.

SEC. 2. FINDINGS.

Congress finds that agencies must prioritize tangible, immediately quantifiable monetary benefits in their decision making processes, ensuring regulatory actions yield clear and measurable financial benefits to the public and private sectors while minimizing unnecessary regulatory costs or burdens.

SEC. 3. PROHIBITION ON NET BENEFIT DISCOUNTS; CONSIDERATION OF REGULATORY IMPACT ANALYSES.

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

(1) in section 601—

(A) in paragraph (6), by striking "and" at the end;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon;

(C) in paragraph (8)—

(i) by striking "RECORDKEEPING REQUIREMENT.—T" and inserting "the"; and

(ii) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(9) the term 'benefit-cost analysis' has the meaning given the term in Office of Management and Budget Circular A–94, as revised on November 9, 2023, or any successor revision; and

"(10) the term 'regulatory impact analysis' means a regulatory analysis described in—

"(A) Executive Order 12866 (5 U.S.C. 601 note; relating to regulatory planning and review);

"(B) Executive Order 13563 (5 U.S.C. 601 note; relating to improving regulation and regulatory review);

"(C) Executive Order 14094 (88 Fed. Reg. 21879; relating to modernizing regulatory review);

"(D) Office of Management and Budget Circular No. A–4, as revised on November 9, 2023, or any successor revision; or

"(E) Office of Management and Budget Circular No. A–94, as revised on November 9, 2023, or any successor revision."; and

(2) by adding at the end the following:

"§ 613. Prohibition on use of non-monetized or unqualified factors for regulatory analyses

"(a) AGENCY PROHIBITION.—An agency may not consider any non-monetized or unquantified factor when conducting a regulatory impact analysis or benefit-cost analysis on any proposed rule, final rule, or interim final rule.

"(b) OMB PROHIBITION.—The Office of Management and Budget may not—

"(1) authorize in any manner, such as in issuing guidance, a memorandum, a directive, or a rule that permit or endorse the analysis or use of any non-monetized or unquantified factor when conducting a regulatory impact analysis or benefit-cost analysis on any proposed rule, final rule, or interim final rule; or

"(2) consider any non-monetized or unquantified factor presented in a regulatory impact analysis or benefit-cost analysis of another agency.

"(c) PUBLIC TRANSPARENCY.—Each agency shall publish in the Federal Register, with respect to and along with each proposed rule, final rule, or interim final rule—

"(1) a summary of each regulatory impact analysis and benefit-cost analysis conducted by the agency;

"(2) the text of each regulatory impact analysis and benefit-cost analysis conducted by the agency, including a disclosure of the methodology and specific analyses used by the agency in estimating economic impacts, and the determination and rationale of such economic impact analyses; and

"(3) any additional information of the agency relevant to the regulatory impact and benefit-cost analyses conducted by the agency, such as the decision-making processes of the agency.

"(d) REGULATORY GUIDANCE.—Not later than 90 days after the date of enactment of this section, the Director of the Office of Management and Budget shall issue revised guidance to agencies to ensure compliance with the provisions of this section.

"(e) JUDICIAL REVIEW.—

"(1) IN GENERAL.—Any party affected by a rule issued by an agency that considered a non-monetized or unquantified factor when conducting a regulatory impact or benefit-cost analysis in violation of this section may bring a civil action against the agency to challenge the rule in a district court of the United States.

"(2) INVALIDATION OF REGULATION.—If the court finds that an agency relied upon non-monetized or unquantified factors to evaluate a final rule or interim final rule in contravention of this section, the court shall declare the rule invalid.

"(3) APPLICATION.—This subsection shall apply with respect to any rule issued by an agency on or after November 9, 2023.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 6 of title 5, United States Code, is amended by adding at the end the following:

"613. Prohibition on use of non-monetized or unquantified factors for regulatory analyses.".

SEC. 4. EFFECTIVE DATE.

The amendments made by section 3 shall take effect on the date that is 30 days after the date of enactment of this Act.

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