

119TH CONGRESS  
1ST SESSION

# H. R. 6145

To amend title 5, United States Code, to require disclosure of conflicts of interest with respect to rulemaking, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 2025

Ms. JAYAPAL (for herself, Ms. ADAMS, Mr. AMO, Ms. ANSARI, Ms. BALINT, Mrs. BEATTY, Ms. BONAMICI, Mr. BOYLE of Pennsylvania, Ms. BROWNLEY, Mr. CARSON, Mr. CASAR, Ms. CHU, Ms. CLARKE of New York, Mr. COHEN, Mr. CORREA, Ms. DEAN of Pennsylvania, Ms. DELAURO, Mr. DELUZIO, Mr. DESAULNIER, Ms. DEXTER, Mrs. DINGELL, Mr. ESPAILLAT, Mr. EVANS of Pennsylvania, Mrs. FOUSHEE, Mr. FROST, Mr. GARCIA of California, Mr. GARCÍA of Illinois, Ms. GARCIA of Texas, Mrs. HAYES, Mr. HORSFORD, Mr. HUFFMAN, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Mr. KHANNA, Mr. KRISHNAMOORTHY, Ms. LEE of Pennsylvania, Mr. LEVIN, Mr. LIEU, Mr. LYNCH, Mr. MAGAZINER, Mrs. MCBATH, Ms. MCCLELLAN, Ms. MCCOLLUM, Mr. MCGOVERN, Mrs. MCIVER, Mr. NADLER, Ms. NORTON, Ms. OMAR, Ms. PINGREE, Mr. POCAN, Mr. QUIGLEY, Mrs. RAMIREZ, Ms. SALINAS, Ms. SÁNCHEZ, Ms. SCANLON, Ms. SCHAKOWSKY, Mr. SHERMAN, Ms. SIMON, Mr. SMITH of Washington, Ms. STANSBURY, Mr. THANEDAR, Ms. TITUS, Ms. TLAIB, Ms. TOKUDA, Mr. TONKO, Ms. UNDERWOOD, Mr. VARGAS, Ms. VELÁZQUEZ, Mrs. WATSON COLEMAN, and Ms. WILLIAMS of Georgia) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, 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 amend title 5, United States Code, to require disclosure of conflicts of interest with respect to rulemaking, 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 “Experts Protect Effec-  
5 tive Rules, Transparency, and Stability Act of 2025” or  
6 the “EXPERTS Act of 2025”.

7 **SEC. 2. FINDINGS.**

8        Congress finds the following:

9            (1) Congress is dependent on providing discre-  
10 tion to executive officials and agencies (including  
11 independent agencies) to implement its statutes.  
12 Congress provides appropriate oversight of the use  
13 of this discretion.

14            (2) Regulatory legislation is often phrased in  
15 broad terms, with an intelligible principle, to em-  
16 power agencies to address issues, such as those pre-  
17 sented by technological, scientific, or social develop-  
18 ments that were not precisely foreseen when the leg-  
19 islation was enacted, and to draw upon the agency’s  
20 specialized knowledge, experience, and responsibility  
21 for implementing the statute.

22            (3) Such broad authorizing language is often  
23 necessary to empower the administering agency to  
24 take effective action when new or unforeseen issues  
25 arise, provided that the rule does not exceed clear

1 limits in statute nor implement it in an impermis-  
2 sible manner.

3 (4) A rule that an agency has adopted to imple-  
4 ment a broadly worded regulatory statute should  
5 generally not be held to be invalid on the basis that  
6 Congress has not addressed the agency's proposed  
7 course of action in specific terms.

8 (5) A rule that an agency has adopted to imple-  
9 ment a regulatory statute should generally not be  
10 held to be invalid on the basis that the agency has  
11 not previously adopted a similar rule or scheme of  
12 regulation.

13 (6) The expectation that a rule will have broad  
14 economic, political, or social significance, should not,  
15 standing alone, negate application of the principle  
16 stated in paragraph (1), (2), or (3).

17 **SEC. 3. SENSE OF CONGRESS.**

18 It is the sense of Congress that—

19 (1) agency economic analyses of regulatory ac-  
20 tions commonly underestimate the benefits of regu-  
21 latory actions that protect public health and safety  
22 and overestimate the costs of regulatory action to in-  
23 dustry;

1           (2) agency regulatory actions often fail to ade-  
2           quately consider the distributional effects and social  
3           equity impact of regulatory action; and

4           (3) an agency shall prioritize the statutory di-  
5           rection of Congress when taking regulatory action.

6 **SEC. 4. DISCLOSURE OF CONFLICTS OF INTEREST.**

7           Section 553 of title 5, United States Code, is amend-  
8 ed—

9           (1) in subsection (c)—

10           (A) by striking “After notice required” and  
11           inserting the following:

12           “(1) After notice required”;

13           (B) in the first sentence of paragraph (1),  
14           as so designated, by inserting “, subject to sub-  
15           sections (f) and (h),” after “the agency shall”;  
16           and

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

18           “(2) In the case of any submission under para-  
19           graph (1) by an interested person that includes a  
20           scientific, economic, or technical study or research  
21           (or a citation thereto) that the interested person  
22           funded directly or indirectly, or the nonpublic results  
23           of any scientific, economic, or technical study or re-  
24           search that the interested person funded directly or

1 indirectly, the interested person shall disclose to the  
2 agency the following:

3 “(A) The amount of any funds that were  
4 received by the person who conducted the study  
5 or research.

6 “(B) The entity that provided the funds  
7 referred to in subparagraph (A).

8 “(C) Any entity that was allowed to review  
9 or revise the study or research, and the extent  
10 of that review or revision.

11 “(D) Any financial relationship between  
12 the person who conducted the study or re-  
13 search, and any person that would be affected  
14 by the proposed rule.”; and

15 (2) by adding at the end the following:

16 “(f) With respect to any submission by an interested  
17 person under subsection (c) or any other submission by  
18 an interested person relating to a proposed rule or final  
19 rule that includes a scientific, economic, or technical study  
20 or research by the interested person not published in a  
21 publicly available peer-reviewed publication, or any result  
22 of a scientific, economic, or technical study or research  
23 by the interested person not published in a publicly avail-  
24 able peer-reviewed publication, the interested person, in  
25 making that submission, shall disclose to the agency—

1           “(1) the source of any funding for the study or  
2 research, as applicable;

3           “(2) any entity that sponsored the study or re-  
4 search;

5           “(3) the extent to which the findings of the  
6 study or research were reviewed by a person that  
7 may be affected by the rulemaking to which the sub-  
8 mission relates;

9           “(4) the identity of any person identified under  
10 paragraph (3); and

11           “(5) the nature of any financial relationship, in-  
12 cluding a consulting agreement, the support of any  
13 expert witness, and the funding of research, between  
14 any person that conducted the study or research and  
15 any interested person with respect to the rulemaking  
16 to which the submission relates.”.

17 **SEC. 5. INCREASING DISCLOSURES RELATING TO STUDIES**  
18 **AND RESEARCH.**

19           Section 553 of title 5, United States Code, as amend-  
20 ed by section 4 of this Act, is amended by adding at the  
21 end the following:

22           “(g) With respect to a study or research that is sub-  
23 mitted by an interested person to an agency under sub-  
24 section (c), the agency shall ensure that the study or re-  
25 search is available to the public (including on the Internet

1 website of the agency and on the public docket of the agen-  
2 cy for the rulemaking) unless disclosure is exempted or  
3 excluded under section 552.

4 “(h)(1) If a study or research submitted by an inter-  
5 ested person to an agency under subsection (c) presents  
6 a conflict described in paragraph (2), the agency shall dis-  
7 close the conflict to the public on the internet website of  
8 the agency and on the public docket of the agency, and  
9 by publication in the Federal Register, unless disclosure  
10 is exempted or excluded under section 552.

11 “(2) A conflict described in this subsection means a  
12 study or research for which—

13 “(A) not less than 10 percent of the funding for  
14 the study or research is from an entity subject to  
15 the jurisdiction of the agency with respect to that  
16 rulemaking; or

17 “(B) an entity subject to the jurisdiction of the  
18 agency with respect to that rulemaking that is regu-  
19 lated by the agency conducts, reviews, or revises the  
20 study or research.

21 “(i) In the case of a violation of the requirement to  
22 make a disclosure—

23 “(1) under subsection (e)(2) or subsection (f)  
24 with respect to a submission; or

1           “(2) under subsection (h) with respect to a con-  
2           flict related to a submission referred to under sub-  
3           section (g),  
4           the agency may exclude from consideration or otherwise  
5           disregard the submission, and the agency has no obliga-  
6           tion to respond to the submission, except that the submis-  
7           sion may be remade with required disclosures during the  
8           opportunity for participation referred to in subsection  
9           (c)(1). Nothing in this subsection may be construed to af-  
10          fect the level of deference (in accordance with applicable  
11          law) accorded to agency action by a court reviewing such  
12          action.”.

13       **SEC. 6. DISCLOSURE OF INTER-GOVERNMENTAL RULE**  
14                               **CHANGE.**

15           With respect to any material provided to the Office  
16          with regard to a regulatory action for purposes of central-  
17          ized review of regulatory actions, the agency shall—

18                   (1) not later than the date on which the agency  
19                   publishes a general notice of proposed rulemaking  
20                   required under section 553(b) of title 5, United  
21                   States Code, with respect to the action, place in the  
22                   rulemaking docket—

23                               (A) the substance of any change between  
24                               the text of any draft regulatory action that the  
25                               agency provided to the Office and the text pub-

1 lished in the general notice with respect to the  
2 action; and

3 (B) a statement regarding whether any  
4 change described in subparagraph (A) was  
5 made as a result of communication with—

6 (i) the Office;

7 (ii) another agency; or

8 (iii) any other Federal official; and

9 (2) not later than the date on which the agency  
10 publishes the regulatory action in the Federal Reg-  
11 ister, place in the rulemaking docket—

12 (A) the substance of any changes between  
13 the text of the regulatory action that the agency  
14 provided to the Office and the text of the regu-  
15 latory action that the agency published in the  
16 Federal Register; and

17 (B) a statement regarding whether any  
18 change described in subparagraph (A) was  
19 made as a result of communication with—

20 (i) the Office;

21 (ii) another agency; or

22 (iii) any other Federal official.

23 **SEC. 7. JUSTIFICATION OF WITHDRAWN RULES.**

24 (a) IN GENERAL.—If an agency withdraws a regu-  
25 latory action after providing the action to the Office under

1 section 6(a)(3) of the Executive Order 12866 (or, if the  
2 agency does not provide the regulatory action to the Office  
3 under that section, after publishing the general notice of  
4 proposed rulemaking with respect to the action under sec-  
5 tion 553(b) of title 5, United States Code), the agency  
6 shall publish in the Federal Register, on the public docket  
7 of the agency, and on the internet website of the agency  
8 a statement regarding the decision by the agency to with-  
9 draw the action.

10 (b) CONTENTS.—A statement required under sub-  
11 section (a) with respect to a decision by an agency to with-  
12 draw a regulatory action shall include, at a minimum—

13 (1) a detailed explanation of the reasons that  
14 the agency withdrew the action; and

15 (2) an explanation regarding whether the deci-  
16 sion by the agency to withdraw the action was  
17 based, in whole or in part, on a request by, or input  
18 from—

19 (A) the Office;

20 (B) another agency; or

21 (C) any other Federal official.

22 **SEC. 8. NEGOTIATED RULEMAKING.**

23 (a) IN GENERAL.—Subchapter III of chapter 5 of  
24 title 5, United States Code, is amended—

1           (1) in section 561, in the first sentence, by in-  
2           serting “between agencies and Federal, State, local,  
3           or tribal governments. This subchapter shall apply  
4           only to informal negotiations between Federal, State,  
5           local, or tribal governments” after “informal rule  
6           making process”;

7           (2) in section 563—

8           (A) in subsection (a)—

9           (i) in paragraph (2), by inserting  
10           “Federal, State, local, or tribal govern-  
11           ment” after “identifiable”; and

12           (ii) in paragraph (3), by striking  
13           “persons who” and inserting “representa-  
14           tives of Federal, State, local, and tribal  
15           governments that”; and

16           (B) in subsection (b)—

17           (i) in paragraph (1)—

18           (I) in subparagraph (A)—

19           (aa) by striking “persons  
20           who” and inserting “Federal,  
21           State, local, or tribal govern-  
22           ments that”; and

23           (bb) by striking “, including  
24           residents of rural areas”; and

25           (II) in subparagraph (B)—

1 (aa) by striking “with such  
2 persons” and inserting “with rep-  
3 resentatives of those govern-  
4 ments”; and

5 (bb) by striking “to such  
6 persons” and inserting “to those  
7 governments”; and

8 (ii) in paragraph (2), in the second  
9 sentence—

10 (I) by striking “persons who”  
11 and inserting “representatives of Fed-  
12 eral, State, local, or tribal govern-  
13 ments that”; and

14 (II) by striking “, including resi-  
15 dents of rural areas”;

16 (3) in section 564—

17 (A) in the section heading, by striking “;  
18 applications for membership on committees”;

19 (B) in subsection (a)—

20 (i) in paragraph (4), by striking “the  
21 person or persons” and inserting “the rep-  
22 resentatives of Federal, State, local, and  
23 tribal governments”;

24 (ii) in paragraph (6), by adding “and”  
25 at the end;

- 1 (iii) in paragraph (7), by striking “;  
2 and” and inserting a period; and  
3 (iv) by striking paragraph (8);  
4 (C) by striking subsection (b);  
5 (D) by redesignating subsection (c) as sub-  
6 section (b); and  
7 (E) in subsection (b), as so redesignated—  
8 (i) in the subsection heading, by strik-  
9 ing “AND APPLICATIONS”; and  
10 (ii) by striking “and applications”;  
11 (4) in section 565(a)—  
12 (A) in paragraph (1), in the first sentence,  
13 by striking “and applications”; and  
14 (B) in paragraph (2)—  
15 (i) by striking “and applications”; and  
16 (ii) by striking “publications,” and all  
17 that follows through the period at the end  
18 and inserting “publications.”; and  
19 (5) in section 569(a), in the first sentence—  
20 (A) by striking “and encourage agency use  
21 of”; and  
22 (B) by inserting “between Federal, State,  
23 local, and tribal governments” after “negotiated  
24 rule making”.
- 25 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

1           (1) BALANCED BUDGET ACT OF 1997.—Section  
2           1856(b)(1) of the Balanced Budget Act of 1997 (42  
3           U.S.C. 1395w–26) is amended by striking “, using  
4           a negotiated rule making process under subchapter  
5           III of chapter 5 of title 5, United States Code”.

6           (2) ELEMENTARY AND SECONDARY EDUCATION  
7           ACT OF 1965.—The Elementary and Secondary Edu-  
8           cation Act of 1965 (20 U.S.C. 6301 et seq.) is  
9           amended—

10                   (A) in section 1601 (20 U.S.C. 6571)—

11                           (i) in subsection (a), by striking “sub-  
12                           sections (b) through (d)” and inserting  
13                           “subsection (b)”;

14                           (ii) by striking subsections (b) and  
15                           (c); and

16                           (iii) by redesignating subsections (d)  
17                           and (e) as subsections (b) and (c), respec-  
18                           tively;

19                   (B) by repealing section 1602 (20 U.S.C.  
20                   6572); and

21                   (C) in section 8204(c)(1) (20 U.S.C.  
22                   7824(c)(1)), by striking “using a negotiated  
23                   rulemaking process to develop regulations for  
24                   implementation no later than the 2017–2018  
25                   academic year, shall define” and inserting

1 “shall, for implementation no later than the  
2 2017–2018 academic year, define”.

3 (3) HEALTH INSURANCE PORTABILITY AND AC-  
4 COUNTABILITY ACT OF 1996.—Section 216(b) of the  
5 Health Insurance Portability and Accountability Act  
6 of 1996 (42 U.S.C. 1320a–7b note) is amended to  
7 read as follows:

8 “(b) RULEMAKING FOR RISK-SHARING EXCEP-  
9 TION.—

10 “(1) ESTABLISHMENT.—The Secretary of  
11 Health and Human Services (in this subsection re-  
12 ferred to as the ‘Secretary’) shall establish standards  
13 relating to the exception for risk-sharing arrange-  
14 ments to the anti-kickback penalties described in  
15 section 1128B(b)(3)(F) of the Social Security Act,  
16 as added by subsection (a).

17 “(2) FACTORS TO CONSIDER.—In establishing  
18 standards relating to the exception for risk-sharing  
19 arrangements to the anti-kickback penalties under  
20 paragraph (1), the Secretary—

21 “(A) shall consult with the Attorney Gen-  
22 eral and representatives of the hospital, physi-  
23 cian, other health practitioner, and health plan  
24 communities, and other interested parties; and

25 “(B) shall take into account—

1 “(i) the level of risk appropriate to  
2 the size and type of arrangement;

3 “(ii) the frequency of assessment and  
4 distribution of incentives;

5 “(iii) the level of capital contribution;  
6 and

7 “(iv) the extent to which the risk-  
8 sharing arrangement provides incentives to  
9 control the cost and quality of health care  
10 services.”.

11 (3) HIGHER EDUCATION ACT OF 1965.—The  
12 Higher Education Act of 1965 (20 U.S.C. 1001 et  
13 seq.) is amended—

14 (A) in section 207—

15 (i) by striking subsection (c); and

16 (ii) by redesignating subsection (d) as  
17 subsection (c);

18 (B) in section 422(g)(1)—

19 (i) in subparagraph (B), by adding  
20 “and” at the end;

21 (ii) in subparagraph (C), by striking  
22 “; and” and inserting a period; and

23 (iii) by striking subparagraph (D);

1 (C) in section 487A(b)(3)(B), by striking  
2 “as determined in the negotiated rulemaking  
3 process under section 492”;

4 (D) in section 491(l)(4)(A), by striking “,  
5 not later than two years after the completion of  
6 the negotiated rulemaking process required  
7 under section 492 resulting from the amend-  
8 ments to this Act made by the Higher Edu-  
9 cation Opportunity Act,”; and

10 (E) in section 492—

11 (i) in the section heading, by striking  
12 “**NEGOTIATED**”; and

13 (ii) by amending subsection (b) to  
14 read as follows:

15 “(b) ISSUANCE OF REGULATIONS.—After obtaining  
16 the advice and recommendations described in subsection  
17 (a)(1), the Secretary shall issue final regulations within  
18 the 360-day period described in section 437(e) of the Gen-  
19 eral Education Provisions Act (20 U.S.C. 1232(e)).”.

20 (4) HOUSING ACT OF 1949.—Section 515(r)(3)  
21 of the Housing Act of 1949 (42 U.S.C. 1485(r)(3))  
22 is amended by striking “in accordance with” and all  
23 that follows through the period at the end and in-  
24 serting “under the rulemaking authority contained  
25 in section 553 of title 5, United States Code.”.

1           (5) MAGNUSON-STEVENSON FISHERY CONSERVA-  
2           TION AND MANAGEMENT ACT.—Section 305(g) of  
3           the Magnuson-Stevens Fishery Conservation and  
4           Management Act (16 U.S.C. 1855(g)) is amended—

5                   (A) by striking paragraphs (2) and (3);

6                   (B) in paragraph (1)—

7                           (i) by striking “(A)”; and

8                           (ii) by redesignating subparagraph  
9                   (B) as paragraph (2) and adjusting the  
10                   margins accordingly; and

11                   (C) in paragraph (2), as so redesignated,

12                   by striking the second sentence.

13           (6) MANDATORY PRICE REPORTING ACT OF  
14           2010.—Section 2(b) of the Mandatory Price Report-  
15           ing Act of 2010 (Public Law 111–239; 124 Stat.  
16           2501) is amended—

17                   (A) by striking “WHOLESALE PORK CUTS”

18                   and all that follows through “chapter 3” and  
19                   inserting “WHOLESALE PORK CUTS.—Chapter  
20                   3”; and

21                   (B) by striking paragraphs (2), (3), and

22                   (4).

23           (7) PATIENT PROTECTION AND AFFORDABLE  
24           CARE ACT.—Section 5602 of the Patient Protection

1 and Affordable Care Act (42 U.S.C. 254b note) is  
2 amended—

3 (A) in the section heading, by striking  
4 “**NEGOTIATED**”;

5 (B) by striking subsections (b) through  
6 (h);

7 (C) in subsection (a)—

8 (i) by redesignating paragraph (2) as  
9 subsection (b) and adjusting the margins  
10 accordingly; and

11 (ii) by striking “ESTABLISHMENT.—”  
12 and all that follows through “The Sec-  
13 retary of Health and Human Services”  
14 and inserting “ESTABLISHMENT.—The  
15 Secretary of Health and Human Services”;

16 (iii) by striking “, through a nego-  
17 tiated rulemaking process under sub-  
18 chapter 3 of chapter 5 of title 5, United  
19 States Code,”; and

20 (iv) in paragraph (1), by redesign-  
21 ating subparagraphs (A) and (B) as para-  
22 graphs (1) and (2), respectively, and ad-  
23 justing the margins accordingly; and

1 (D) in subsection (b), as so redesignated,  
2 by striking “paragraph (1)” and inserting “sub-  
3 section (a)”.

4 (8) PRICE-ANDERSON AMENDMENTS ACT OF  
5 1988.—Section 19 of the Price-Anderson Amend-  
6 ments Act of 1988 (42 U.S.C. 2210 note) is amend-  
7 ed—

8 (A) by striking subsection (b); and

9 (B) in subsection (a)—

10 (i) by striking “PURPOSE.—The Nu-  
11 clear” and inserting “RULEMAKING PRO-  
12 CEEDING.—The Nuclear”;

13 (ii) by redesignating paragraph (2) as  
14 subsection (b) and adjusting the margins  
15 accordingly.

16 (9) SOCIAL SECURITY ACT.—Title XVIII of the  
17 Social Security Act (42 U.S.C. 1395 et seq.) is  
18 amended—

19 (A) in section 1834(l)(1) (42 U.S.C.  
20 1395m(l)(1)), by striking “through a negotiated  
21 rulemaking process described in title 5, United  
22 States Code,”; and

23 (B) in section 1856(a) (42 U.S.C. 1395w-  
24 26(a));

1 (i) by striking paragraphs (2) through  
2 (9);

3 (ii) in paragraph (1)—

4 (I) by striking “ESTABLISH-  
5 MENT.—” and all that follows through  
6 “The Secretary shall establish” and  
7 inserting “ESTABLISHMENT.—The  
8 Secretary shall establish”;

9 (II) by striking “and using a ne-  
10 gotiated rulemaking process under  
11 subchapter III of chapter 5 of title 5,  
12 United States Code”; and

13 (III) by redesignating subpara-  
14 graphs (B) and (C) as paragraphs (2)  
15 and (3), respectively, and adjusting  
16 the margins accordingly; and

17 (iii) in paragraph (2), as so redesi-  
18 gnated—

19 (I) by striking “subparagraph  
20 (A)” and inserting “paragraph (1)”;  
21 and

22 (II) by redesignating clauses (i),  
23 (ii), and (iii) as subparagraphs (A),  
24 (B), and (C), respectively, and adjust-  
25 ing the margins accordingly.

1           (10) TITLE 5.—The table of sections for sub-  
2           chapter III of chapter 5 of title 5, United States  
3           Code, is amended by striking the item relating to  
4           section 564 and inserting the following:

“564. Publication of notice.”.

5           (11) TITLE 49.—Section 31136(g)(1) of title  
6           49, United States Code, is amended—

7                   (A) by striking “shall—” and all that fol-  
8                   lows through “issue” and inserting “shall  
9                   issue”;

10                   (B) by striking “; or” and inserting a pe-  
11                   riod; and

12                   (C) by striking subparagraph (B).

13           (12) TOXIC SUBSTANCES CONTROL ACT.—Sec-  
14           tion 8(a) of the Toxic Substances Control Act (15  
15           U.S.C. 2607(a)) is amended—

16                   (A) by striking paragraph (6); and

17                   (B) by redesignating paragraph (7) as  
18                   paragraph (6).

19           (13) UNITED STATES HOUSING ACT OF 1937.—  
20           Section 9 of the United States Housing Act of 1937  
21           (42 U.S.C. 1437g) is amended by repealing sub-  
22           section (f).

23 **SEC. 9. STREAMLINING OIRA REVIEW.**

24           (a) IN GENERAL.—Except as provided in subsection  
25           (b), if the Office commences a review of a significant regu-

1 latory action, the Office shall complete such review not  
2 more than 60 days after the date on which the Office re-  
3 ceives the significant regulatory action.

4 (b) EXTENSION.—The Office may extend the 60-day  
5 period described in subsection (a) by a single 30-day pe-  
6 riod if the Office provides the agency with, and makes  
7 publicly available, a written justification for the extension.

8 (c) PUBLICATION OF REGULATORY ACTION.—If the  
9 Office waives review of a significant regulatory action of  
10 an agency without a request for further consideration or  
11 does not notify the agency in writing of the results of the  
12 review within the time frame described in subsection (a)  
13 or (b), the agency may publish the significant regulatory  
14 action in the Federal Register.

15 **SEC. 10. PENALIZING PUBLIC COMPANIES THAT SUBMIT**  
16 **FALSE INFORMATION TO AGENCIES.**

17 Section 553 of title 5, United States Code, as amend-  
18 ed by sections 4 and 5 of this Act, is amended by adding  
19 at the end the following:

20 “(j)(1) Any entity required to file an annual report  
21 under section 13 of the Securities Exchange Act of 1934  
22 (15 U.S.C. 78m) that makes a submission under sub-  
23 section (c) knowing the same—

24 “(A) to include any materially false, fictitious,  
25 or fraudulent statement or representation; or

1           “(B) to omit any material fact resulting in any  
2           statement or representation being false or mis-  
3           leading,  
4           shall be subject a civil penalty of not less than \$250,000  
5           for a first violation.

6           “(2) Any entity that has a subsequent violation of  
7           paragraph (1) shall be subject to a civil penalty of not  
8           less than \$1,000,000 for each subsequent violation.

9           “(3) Any submission in violation of this subsection  
10          may be excluded from the record and from consideration  
11          by the agency or otherwise disregarded, and such submis-  
12          sion (or any amendment to such submission) may not be  
13          resubmitted thereafter. An exclusion or other disregard of  
14          a submission pursuant to this subsection shall not affect  
15          the level of deference (in accordance with applicable law)  
16          accorded to agency action by a court reviewing such ac-  
17          tion.

18          “(k) Any entity required to file an annual report pur-  
19          suant to section 13 of the Securities Exchange Act of  
20          1934 (15 U.S.C. 78m), shall include in a submission  
21          under subsection (c)(2) of this section the annual report  
22          filed in the year previous to such submission and the quar-  
23          terly report filed most recently prior to such submission.”.

1 **SEC. 11. ESTABLISHMENT OF THE OFFICE OF THE PUBLIC**  
2 **ADVOCATE.**

3 Subchapter I of chapter 5 of title 5, United States  
4 Code, is amended—

5 (1) by adding at the end the following:

6 **“§ 505. Office of the Public Advocate**

7 “(a) ESTABLISHMENT.—There is established in the  
8 Office of Management and Budget an office to be known  
9 as the ‘Office of the Public Advocate’.

10 “(b) NATIONAL PUBLIC ADVOCATE.—The Office of  
11 the Public Advocate shall be under the supervision of an  
12 official to be known as the ‘National Public Advocate’, who  
13 shall—

14 “(1) be appointed by the President, by and with  
15 the advice and consent of the Senate;

16 “(2) report to the President;

17 “(3) be entitled to compensation at the same  
18 rate as the highest rate of basic pay established for  
19 the Senior Executive Service under section 5382;

20 “(4) have a background in customer service,  
21 consumer protection, or administrative law; and

22 “(5) have experience working with the public in  
23 cases involving rules (as defined in section 551).

24 “(c) DUTIES.—The duties of the Office of the Public  
25 Advocate shall include—

1           “(1) assisting agencies in soliciting public par-  
2           ticipation in the rulemaking process;

3           “(2) assisting individuals in participating in the  
4           rulemaking process;

5           “(3) working with agencies, Congress, and the  
6           public to identify problems and improve public par-  
7           ticipation in the rulemaking process;

8           “(4) conducting and publishing research on so-  
9           cial equity impacts of the rulemaking process;

10          “(5) developing and coordinating social equity  
11          definitions across the executive branch;

12          “(6) when requested by the agency or by the  
13          public through comments submitted through the  
14          process described in section 553 of title 5, United  
15          States Code, performing, not later than 30 days  
16          after the receipt of such a request, a social equity  
17          assessment (as such term is defined in the Stop Cor-  
18          porate Capture Act) for a proposed rule; and

19          “(7) facilitating means by which individuals and  
20          populations that have not historically participated in  
21          the rulemaking process may be better included in  
22          the rulemaking process, including by—

23                  “(A) recommending and implementing new  
24                  outreach plans;

1           “(B) partnering with State, local, and  
2           Tribal governments, and with community-based  
3           organizations to propagate information about  
4           rules changes; and

5           “(C) ensuring information about agency  
6           rulemaking and changes to rules are written in  
7           clear, accessible language that is accessible in  
8           multiple languages.

9           “(d) RULEMAKING.—Not later than 180 days after  
10          the date on which the National Public Advocate is ap-  
11          pointed under this subsection or 180 days after the date  
12          of enactment of this section, whichever is later, the Na-  
13          tional Public Advocate shall make rules to carry out this  
14          section.”; and

15                 (2) in the table of sections for such chapter, by  
16          inserting after the item relating to section 504 the  
17          following:

          “505. Office of the Public Advocate.”.

18         **SEC. 12. SCOPE OF REVIEW.**

19                 Section 706 of title 5, United States Code, is amend-  
20          ed—

21                 (1) in the first sentence of the matter preceding  
22          paragraph (1)—

23                         (A) by striking “agency action.” and in-  
24                         serting “agency action. If a statute that an  
25                         agency administers is silent or ambiguous as to

1 the proper construction of a particular term or  
2 provision or set of terms or provisions, and an  
3 agency has followed the applicable procedures  
4 in subchapter II of chapter 5, has otherwise  
5 lawfully adjudicated a matter, or has followed  
6 the corresponding procedural provisions of the  
7 relevant statute, as applicable, a reviewing court  
8 shall defer to the agency’s reasonable or per-  
9 missible interpretation of that statute, regard-  
10 less of the significance of the related agency ac-  
11 tion or a possible future agency action.”; and

12 (B) by striking “To the extent necessary”  
13 and inserting:

14 “(a) IN GENERAL.—To the extent necessary”; and

15 (2) by adding at the end the following:

16 “(b) UNREASONABLE DELAY.—For purposes of sub-  
17 section (a)(1), unreasonable delay shall include—

18 “(1) when an agency has not issued a notice of  
19 proposed rulemaking before the date that is 1 year  
20 after the date of enactment of the legislation man-  
21 dating the rulemaking, where no deadline for the  
22 rulemaking was specified in the enacted law;

23 “(2) when an agency has not issued a final  
24 version of a proposed rule before the date that is 1

1 year after the date on which the proposed rule was  
2 published in the Federal Register;

3 “(3) when an agency has not implemented a  
4 final rule before the date that is 1 year after the im-  
5 plementation date published in the Federal Register  
6 or, if no implementation date was provided, before  
7 the date that is 1 year after the date on which the  
8 final rule was published in the Federal Register; and

9 “(4) when an agency has not issued or imple-  
10 mented a final rule, upon a showing of good cause  
11 therefor.”.

12 **SEC. 13. RIGHT OF REVIEW.**

13 (a) IN GENERAL.—Chapter 7 of title 5, United  
14 States Code, is amended by adding at the end the fol-  
15 lowing:

16 **“§ 707. Statute of limitation**

17 “Except as otherwise expressly provided by law, an  
18 action under this chapter for review of an agency action  
19 shall be commenced not later than 6 years after the date  
20 of the final agency action.”.

21 (b) CONFORMING AMENDMENT.—Section 2401(a) of  
22 title 28, United States Code, is amended by inserting “or  
23 section 707 of title 5” after “title 41”.

1 (c) CLERICAL AMENDMENT.—The table of contents  
2 for chapter 7 of title 5, United States Code, is amended  
3 by adding at the end the following:

“707. Statute of limitation.”.

4 **SEC. 14. EXPANDING PUBLIC AWARENESS OF**  
5 **RULEMAKINGS.**

6 (a) IN GENERAL.—Section 553 of title 5, United  
7 States Code, as amended by section 4, 5, and 10 of this  
8 Act, is amended by adding at the end the following:

9 “(1)(1) The head of each agency shall take such ac-  
10 tions as may be necessary to—

11 “(A) expand public awareness of the initiation  
12 of each rulemaking proceeding;

13 “(B) expand public awareness of the publication  
14 of each proposed rule;

15 “(C) expand public awareness when a rule is  
16 published; and

17 “(D) establish a participation log, including all  
18 rulemaking participants, with respect to each rule-  
19 making.

20 “(2) Not later than two business days after the date  
21 on which an agency publishes a notice of proposed rule-  
22 making or a final rule under this section, the agency shall  
23 notify interested persons of the publication, including by  
24 using contact information that interested persons have

1 provided to the agency and by publishing such notice on  
2 the agency’s website and any social media accounts.”.

3 (b) **EFFECTIVE DATE.**—The amendment made by  
4 this section shall take effect beginning on the date that  
5 is 30 days after the date of enactment of this Act.

6 **SEC. 15. PUBLIC PETITIONS.**

7 Section 553(e) of title 5, United States Code, is  
8 amended—

9 (1) by inserting “(1)” before “Each agency”;

10 and

11 (2) by adding at the end the following:

12 “(2) Not later than 60 days after the date on  
13 which an agency receives more than 100,000 signa-  
14 tures on a single petition under paragraph (1), the  
15 agency shall provide a written response that in-  
16 cludes—

17 “(A) an explanation of whether the agency  
18 has engaged or is engaging in the requested  
19 issuance, amendment, or repeal of a rule; and

20 “(B) if the agency has not engaged in the  
21 requested issuance, amendment, or repeal of a  
22 rule, a written explanation for not engaging in  
23 the requested issuance, amendment, or repeal.

24 “(3) Not later than 30 days after the date of  
25 enactment of this paragraph, the head of each agen-

1       cy shall establish and publish procedures for the  
2       processing of a petition under paragraph (1), includ-  
3       ing—

4               “(A) using the agency website, the Federal  
5       Register, and other Federal websites to educate  
6       the public about how to file a petition under  
7       paragraph (1); and

8               “(B) creating an accessible docket on the  
9       internet website of the agency, or on any exist-  
10      ing Government-wide internet website, of any  
11      petition filed under paragraph (1).

12              “(4) No agency action under paragraph (3)  
13      shall be subject to review under chapter 7.”.

14   **SEC. 16. AMENDMENT TO CONGRESSIONAL REVIEW ACT.**

15      Section 801(b) of title 5, United States Code, is  
16      amended—

17              (1) in paragraph (1), by striking “(1)”; and

18              (2) by striking paragraph (2).

19   **SEC. 17. REINSTATEMENT OF DISAPPROVED RULES.**

20      (a) DEFINITIONS.—In this section—

21              (1) the term “covered rule” means a rule for  
22      which a joint resolution of disapproval was enacted  
23      under chapter 8 of title 5, United States Code, be-  
24      fore the date of enactment of this Act; and

1           (2) the term “Federal agency” has the meaning  
2           given the term “agency” in section 551(1) of title 5,  
3           United States Code.

4           (b) **FAST-TRACK REINSTATEMENT.**—A Federal  
5           agency may reinstate a covered rule by publishing the cov-  
6           ered rule in the Federal Register during the 1-year period  
7           beginning on the date of enactment of this Act.

8           (c) **REINSTATEMENT AFTER 1-YEAR PERIOD.**—After  
9           the end of the 1-year period beginning on the date of en-  
10          actment of this Act, a Federal agency may reinstate a cov-  
11          ered rule using the rulemaking procedures described in  
12          section 553 of title 5, United States Code.

13 **SEC. 18. COST-BENEFIT ANALYSIS.**

14          (a) **REQUIREMENT OF REGULATORY IMPACT.**—If an  
15          agency is performing a cost-benefit or regulatory impact  
16          analysis in the course of issuing a rule, the agency shall—

17                 (1) take into account the benefits of the rule to  
18                 the public, including the nonquantifiable benefits of  
19                 the rule; and

20                 (2) except for good cause shown, prioritize  
21                 adoption of a rule that provides benefits to the pub-  
22                 lic, including nonquantifiable benefits.

23          (b) **REQUIREMENT OF DISTRIBUTIONAL EFFECTS.**—  
24          An agency shall agency shall take into account distribu-

1 tional effects and the social equity impact of a rule when  
2 issuing such rule.

3 (c) SCOPE OF REVIEW.—Section 706 of title 5,  
4 United States Code, as amended by section 12, is amended  
5 in subsection (a), as so designated, by inserting after  
6 “prejudicial error.” the following: “When acting under  
7 paragraph (2)(A), the court shall not require an agency  
8 to demonstrate that the challenged action meets a cost-  
9 benefit analysis standard except where explicitly required  
10 by law.”.

11 **SEC. 19. DEFINITIONS.**

12 In this Act:

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

16 (2) INTERESTED PERSON.—The term “inter-  
17 ested person” includes individuals, partnerships, cor-  
18 porations, associations, or public or private organiza-  
19 tions of any character other than an agency.

20 (3) OFFICE.—The term “Office” means the Of-  
21 fice of Information and Regulatory Affairs of the Of-  
22 fice of Management and Budget.

23 (4) REGULATORY ACTION.—The term “regu-  
24 latory action” means any substantive action by an  
25 agency that promulgates or is expected to lead to the

1 promulgation of a final rule or regulation, including  
2 notices of inquiry, advance notices of proposed rule-  
3 making, and notices of proposed rulemaking.

4 (5) SIGNIFICANT REGULATORY ACTION.—The  
5 term “significant regulatory action” means any reg-  
6 ulatory action that is likely to result in a rule that  
7 may—

8 (A) have an annual effect on the economy  
9 of \$100,000,000 or more or adversely affect in  
10 a material way the economy, a sector of the  
11 economy, productivity, competition, jobs, the  
12 environment, public health or safety, or State,  
13 local, or tribal governments or communities;

14 (B) create a serious inconsistency or other-  
15 wise interfere with an action taken or planned  
16 by another agency;

17 (C) materially alter the budgetary impact  
18 of entitlements, grants, user fees, or loan pro-  
19 grams or the rights and obligations of recipi-  
20 ents thereof; or

21 (D) raise novel legal or policy issues aris-  
22 ing out of legal mandates, the President’s prior-  
23 ities, or the general principles of regulation cus-  
24 tomarily practiced by the executive branch.

1           (6) SOCIAL EQUITY IMPACT.—The term “social  
2 equity impact” means any impact of a proposed  
3 rule, whether intended or unintended, that might  
4 reasonably be expected to disproportionately affect a  
5 population of interested persons that is part of a  
6 protected class or set of protected classes, based on  
7 the rules’s plain language, stated intention, and  
8 based on credible statistical projections and data on  
9 the impacts of similar rules, laws, and policies.

10           (7) SOCIAL EQUITY ASSESSMENT.—The term  
11 “social equity assessment” means a written and pub-  
12 licly available report that shall specifically consider  
13 any social equity impact, positive or negative, that  
14 the proposed policy might have on a population of  
15 interested persons who share a common char-  
16 acteristic that renders them part of a protected  
17 class, where that population was previously subjected  
18 to discriminatory or exclusionary practices by the  
19 agency promulgating the rule or where credible de-  
20 mographic evidence demonstrates significant dispari-  
21 ties experienced by different populations within a  
22 protected class.

○