

119TH CONGRESS
1ST SESSION

S. 3210

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 19, 2025

Ms. WARREN (for herself, Mr. WELCH, Mr. VAN HOLLEN, Mr. SCHIFF, Mr. SANDERS, Mr. BLUMENTHAL, Mr. WYDEN, Mr. BOOKER, Mr. MERKLEY, Ms. HIRONO, Mr. LUJÁN, Mr. MARKEY, and Mr. KIM) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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:

1 (1) Congress is dependent on providing discre-
2 tion to executive officials and agencies (including
3 independent agencies) to implement its statutes.
4 Congress provides appropriate oversight of the use
5 of this discretion.

6 (2) Regulatory legislation is often phrased in
7 broad terms, with an intelligible principle, to em-
8 power agencies to address issues, such as those pre-
9 sented by technological, scientific, or social develop-
10 ments that were not precisely foreseen when the leg-
11 islation was enacted, and to draw upon the agency's
12 specialized knowledge, experience, and responsibility
13 for implementing the statute.

14 (3) Such broad authorizing language is often
15 necessary to empower the administering agency to
16 take effective action when new or unforeseen issues
17 arise, provided that the rule does not exceed clear
18 limits in statute nor implement it in an impermis-
19 sible manner.

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

1 (5) A rule that an agency has adopted to imple-
2 ment a regulatory statute should generally not be
3 held to be invalid on the basis that the agency has
4 not previously adopted a similar rule or scheme of
5 regulation.

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

10 **SEC. 3. SENSE OF CONGRESS.**

11 It is the sense of Congress that—

12 (1) agency economic analyses of regulatory ac-
13 tions commonly underestimate the benefits of regu-
14 latory actions that protect public health and safety
15 and overestimate the costs of regulatory action to in-
16 dustry;

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

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

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

23 Section 553 of title 5, United States Code, is amend-
24 ed—

25 (1) in subsection (c)—

1 (A) by striking “After notice required” and
2 inserting “(1) After notice required”;

3 (B) in the first sentence of paragraph (1),
4 as so designated, by inserting “, subject to sub-
5 sections (f) and (h),” after “the agency shall”;
6 and

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

8 “(2) In the case of any submission under paragraph
9 (1) by an interested person that includes a scientific, eco-
10 nomic, or technical study or research (or a citation there-
11 to) that the interested person funded directly or indirectly,
12 or the nonpublic results of any scientific, economic, or
13 technical study or research that the interested person
14 funded directly or indirectly, the interested person shall
15 disclose to the agency the following:

16 “(A) The amount of any funds that were re-
17 ceived by the person who conducted the study or re-
18 search.

19 “(B) The entity that provided the funds re-
20 ferred to in subparagraph (A).

21 “(C) Any entity that was allowed to review or
22 revise the study or research, and the extent of that
23 review or revision.

24 “(D) Any financial relationship between the
25 person who conducted the study or research, and

1 any person that would be affected by the proposed
2 rule.”; and

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

4 “(f) With respect to any submission by an interested
5 person under subsection (c) or any other submission by
6 an interested person relating to a proposed rule or final
7 rule that includes a scientific, economic, or technical study
8 or research by the interested person not published in a
9 publicly available peer-reviewed publication, or any result
10 of a scientific, economic, or technical study or research
11 by the interested person not published in a publicly avail-
12 able peer-reviewed publication, the interested person, in
13 making that submission, shall disclose to the agency—

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

16 “(2) any entity that sponsored the study or re-
17 search;

18 “(3) the extent to which the findings of the
19 study or research were reviewed by a person that
20 may be affected by the rule making to which the
21 submission relates;

22 “(4) the identity of any person identified under
23 paragraph (3); and

24 “(5) the nature of any financial relationship, in-
25 cluding a consulting agreement, the support of any

1 expert witness, and the funding of research, between
2 any person that conducted the study or research and
3 any interested person with respect to the rule mak-
4 ing to which the submission relates.”.

5 **SEC. 5. INCREASING DISCLOSURES RELATING TO STUDIES**
6 **AND RESEARCH.**

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

10 “(g) With respect to a study or research that is sub-
11 mitted by an interested person to an agency under sub-
12 section (c), the agency shall ensure that the study or re-
13 search is available to the public (including on the internet
14 website of the agency and on the public docket of the agen-
15 cy for the rule making) unless disclosure is exempted or
16 excluded under section 552.

17 “(h)(1) If a study or research submitted by an inter-
18 ested person to an agency under subsection (c) presents
19 a conflict described in paragraph (2), the agency shall dis-
20 close the conflict to the public on the internet website of
21 the agency and on the public docket of the agency, and
22 by publication in the Federal Register, unless disclosure
23 is exempted or excluded under section 552.

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

1 “(A) not less than 10 percent of the funding for
2 the study or research is from an entity subject to
3 the jurisdiction of the agency with respect to that
4 rule making; or

5 “(B) an entity subject to the jurisdiction of the
6 agency with respect to that rule making that is regu-
7 lated by the agency conducts, reviews, or revises the
8 study or research.

9 “(i) In the case of a violation of the requirement to
10 make a disclosure under subsection (c)(2) or subsection
11 (f) with respect to a submission or under subsection (h)
12 with respect to a conflict related to a submission referred
13 to under subsection (g), the agency may exclude from con-
14 sideration or otherwise disregard the submission, and the
15 agency has no obligation to respond to the submission, ex-
16 cept that the submission may be remade with required dis-
17 closures during the opportunity for participation referred
18 to in subsection (c)(1). Nothing in this subsection may be
19 construed to affect the level of deference (in accordance
20 with applicable law) accorded to agency action by a court
21 reviewing such action.”.

1 **SEC. 6. DISCLOSURE OF INTER-GOVERNMENTAL RULE**
2 **CHANGE.**

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

6 (1) not later than the date on which the agency
7 publishes a general notice of proposed rule making
8 required under section 553(b) of title 5, United
9 States Code, with respect to the action, place in the
10 rule making docket—

11 (A) the substance of any change between
12 the text of any draft regulatory action that the
13 agency provided to the Office and the text pub-
14 lished in the general notice with respect to the
15 action; and

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

19 (i) the Office;

20 (ii) another agency; or

21 (iii) any other Federal official; and

22 (2) not later than the date on which the agency
23 publishes the regulatory action in the Federal Reg-
24 ister, place in the rule making docket—

25 (A) the substance of any changes between
26 the text of the regulatory action that the agency

1 provided to the Office and the text of the regu-
2 latory action that the agency published in the
3 Federal Register; and

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

7 (i) the Office;

8 (ii) another agency; or

9 (iii) any other Federal official.

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

11 (a) IN GENERAL.—If an agency withdraws a regu-
12 latory action after providing the action to the Office under
13 section 6(a)(3) of the Executive Order 12866 (5 U.S.C.
14 601 note; relating to regulatory planning and review) (or,
15 if the agency does not provide the regulatory action to the
16 Office under that section, after publishing the general no-
17 tice of proposed rulemaking with respect to the action
18 under section 553(b) of title 5, United States Code), the
19 agency shall publish in the Federal Register, on the public
20 docket of the agency, and on the internet website of the
21 agency a statement regarding the decision by the agency
22 to withdraw the action.

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

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

3 (2) an explanation regarding whether the deci-
4 sion by the agency to withdraw the action was
5 based, in whole or in part, on a request by, or input
6 from—

7 (A) the Office;

8 (B) another agency; or

9 (C) any Federal official.

10 **SEC. 8. NEGOTIATED RULEMAKING.**

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

13 (1) in section 561, in the first sentence, by in-
14 serting “between agencies and Federal, State, local,
15 or Tribal governments. This subchapter shall apply
16 only to informal negotiations between Federal, State,
17 local, or Tribal governments” after “informal rule-
18 making process”;

19 (2) in section 563—

20 (A) in subsection (a)—

21 (i) in paragraph (2), by inserting
22 “Federal, State, local, or Tribal govern-
23 ment” after “identifiable”; and

24 (ii) in paragraph (3), by striking
25 “persons who” and inserting “representa-

1 tives of Federal, State, local, and Tribal
2 governments that”; and

3 (B) in subsection (b)—

4 (i) in paragraph (1)—

5 (I) in subparagraph (A)—

6 (aa) by striking “persons
7 who” and inserting “Federal,
8 State, local, or Tribal govern-
9 ments that”; and

10 (bb) by striking “, including
11 residents of rural areas”; and

12 (II) in subparagraph (B)—

13 (aa) by striking “with such
14 persons” and inserting “with rep-
15 resentatives of those govern-
16 ments”; and

17 (bb) by striking “to such
18 persons” and inserting “to those
19 governments”; and

20 (ii) in paragraph (2), in the second
21 sentence—

22 (I) by striking “persons who”
23 and inserting “representatives of Fed-
24 eral, State, local, or Tribal govern-
25 ments that”; and

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

3 (3) in section 564—

4 (A) in the section heading, by striking “;
5 **applications for membership on com-
6 mittees**”;

7 (B) in subsection (a)—

8 (i) in paragraph (4), by striking “the
9 persons” and inserting “the representa-
10 tives of Federal, State, local, and Tribal
11 governments”;

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

14 (iii) in paragraph (7), by striking “;
15 and” and inserting a period; and

16 (iv) by striking paragraph (8);

17 (C) by striking subsection (b);

18 (D) by redesignating subsection (c) as sub-
19 section (b); and

20 (E) in subsection (b), as so redesignated—

21 (i) in the subsection heading, by strik-
22 ing “AND APPLICATIONS”; and

23 (ii) by striking “and applications”;

24 (4) in section 565(a)—

1 (A) in paragraph (1), in the first sentence,
2 by striking “and applications”; and

3 (B) in paragraph (2)—

4 (i) by striking “and applications”; and

5 (ii) by striking “publications,” and all
6 that follows through the period at the end
7 and inserting “publications.”; and

8 (5) in section 569(a), in the first sentence—

9 (A) by striking “and encourage agency use
10 of”; and

11 (B) by inserting “between Federal, State,
12 local, and Tribal governments” after “nego-
13 tiated rulemaking”.

14 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

15 (1) BALANCED BUDGET ACT OF 1997.—Section
16 4554(b)(1) of the Balanced Budget Act of 1997 (42
17 U.S.C. 1395u note) is amended by striking “, using
18 a negotiated rulemaking process under subchapter
19 III of chapter 5 of title 5, United States Code”.

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

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

1 (i) in subsection (a), by striking “sub-
2 sections (b) through (d)” and inserting
3 “subsection (b)”;

4 (ii) by striking subsections (b) and
5 (c); and

6 (iii) by redesignating subsections (d)
7 and (e) as subsections (b) and (c), respec-
8 tively;

9 (B) by repealing section 1602 (20 U.S.C.
10 6572); and

11 (C) in section 8204(c)(1) (20 U.S.C.
12 7824(c)(1)), by striking “using a negotiated
13 rulemaking process to develop regulations for
14 implementation no later than the 2017–2018
15 academic year, shall define” and inserting
16 “shall, for implementation no later than the
17 2017–2018 academic year, define”.

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

23 “(b) RULEMAKING FOR RISK-SHARING EXCEP-
24 TION.—

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

8 “(2) FACTORS TO CONSIDER.—In establishing
9 standards relating to the exception for risk-sharing
10 arrangements to the anti-kickback penalties under
11 paragraph (1), the Secretary—

12 “(A) shall consult with the Attorney Gen-
13 eral and representatives of the hospital, physi-
14 cian, other health practitioner, and health plan
15 communities, and other interested parties; and

16 “(B) shall take into account—

17 “(i) the level of risk appropriate to
18 the size and type of arrangement;

19 “(ii) the frequency of assessment and
20 distribution of incentives;

21 “(iii) the level of capital contribution;
22 and

23 “(iv) the extent to which the risk-
24 sharing arrangement provides incentives to

1 control the cost and quality of health care
2 services.”.

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

6 (A) in section 207 (20 U.S.C. 1022f)—

7 (i) by striking subsection (e); and

8 (ii) by redesignating subsection (d) as
9 subsection (e);

10 (B) in section 422(g)(1) (20 U.S.C.
11 1072(g)(1))—

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

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

16 (iii) by striking subparagraph (D);

17 (C) in section 487A(b)(3)(B) (20 U.S.C.
18 1094a(b)(3)(B)), by striking “as determined in
19 the negotiated rulemaking process under section
20 492”;

21 (D) in section 491(l)(4)(A) (20 U.S.C.
22 1098(l)(4)(A)), by striking “, not later than two
23 years after the completion of the negotiated
24 rulemaking process required under section 492
25 resulting from the amendments to this Act

1 made by the Higher Education Opportunity
2 Act,”; and

3 (E) in section 492 (20 U.S.C. 1098a)—

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

6 (ii) by amending subsection (b) to
7 read as follows:

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

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

19 (6) MAGNUSON-STEVENSON FISHERY CONSERVA-
20 TION AND MANAGEMENT ACT.—Section 305(g) of
21 the Magnuson-Stevens Fishery Conservation and
22 Management Act (16 U.S.C. 1855(g)) is amended—

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

24 (B) in paragraph (1)—

25 (i) by striking “(A)”; and

1 (ii) by redesignating subparagraph
2 (B) as paragraph (2) and adjusting the
3 margins accordingly; and

4 (C) in paragraph (2), as so redesignated,
5 by striking the second sentence.

6 (7) MANDATORY PRICE REPORTING ACT OF
7 2010.—Section 2(b) of the Mandatory Price Report-
8 ing Act of 2010 (Public Law 111–239; 124 Stat.
9 2501) is amended—

10 (A) by striking “WHOLESALE PORK CUTS”
11 and all that follows through “Chapter 3” and
12 inserting “WHOLESALE PORK CUTS.—Chapter
13 3”; and

14 (B) by striking paragraphs (2), (3), and
15 (4).

16 (8) PATIENT PROTECTION AND AFFORDABLE
17 CARE ACT.—Section 5602 of the Patient Protection
18 and Affordable Care Act (42 U.S.C. 254b note) is
19 amended—

20 (A) in the section heading, by striking
21 “**NEGOTIATED**”;

22 (B) by striking subsections (b) through
23 (h);

24 (C) in subsection (a)—

1 (i) by redesignating paragraph (2) as
2 subsection (b) and adjusting the margins
3 accordingly;

4 (ii) by striking “ESTABLISHMENT.—”
5 and all that follows through “The Sec-
6 retary of Health and Human Services”
7 and inserting “ESTABLISHMENT.—The
8 Secretary of Health and Human Services”;

9 (iii) by striking “, through a nego-
10 tiated rulemaking process under sub-
11 chapter 3 of chapter 5 of title 5, United
12 States Code,”; and

13 (iv) by redesignating subparagraphs
14 (A) and (B) as paragraphs (1) and (2), re-
15 spectively, and adjusting the margins ac-
16 cordingly; and

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

20 (9) PRICE-ANDERSON AMENDMENTS ACT OF
21 1988.—Section 19 of the Price-Anderson Amend-
22 ments Act of 1988 (42 U.S.C. 2210 note) is amend-
23 ed—

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

25 (B) in subsection (a)—

1 (i) by striking “RULEMAKING.—” and
2 all that follows through “The Nuclear”
3 and inserting “RULEMAKING PRO-
4 CEEDING.—The Nuclear”; and

5 (ii) by redesignating paragraph (2) as
6 subsection (b) and adjusting the margins
7 accordingly.

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

11 (A) in section 1834(l)(1) (42 U.S.C.
12 1395m(l)(1)), by striking “through a negotiated
13 rulemaking process described in title 5, United
14 States Code,”; and

15 (B) in section 1856(a) (42 U.S.C. 1395w-
16 26(a));

17 (i) by striking paragraphs (2) through
18 (9);

19 (ii) in paragraph (1)—

20 (I) by striking “ESTABLISH-
21 MENT.—” and all that follows through
22 “The Secretary shall establish” and
23 inserting “ESTABLISHMENT.—The
24 Secretary shall establish”;

1 (II) by striking “and using a ne-
2 gotiated rulemaking process under
3 subchapter III of chapter 5 of title 5,
4 United States Code”; and

5 (III) by redesignating subpara-
6 graphs (B) and (C) as paragraphs (2)
7 and (3), respectively, and adjusting
8 the margins accordingly; and

9 (iii) in paragraph (2), as so redesi-
10 nated—

11 (I) by striking “subparagraph
12 (A)” and inserting “paragraph (1)”;
13 and

14 (II) by redesignating clauses (i),
15 (ii), and (iii) as subparagraphs (A),
16 (B), and (C), respectively, and adjust-
17 ing the margins accordingly.

18 (11) TITLE 5.—The table of sections for sub-
19 chapter III of chapter 5 of title 5, United States
20 Code, is amended by striking the item relating to
21 section 564 and inserting the following:

“564. Publication of notice.”.

22 (12) TITLE 49.—Section 31136(g)(1) of title
23 49, United States Code, is amended—

1 (A) by striking “shall—” and all that fol-
2 lows through “issue” and inserting “shall
3 issue”;

4 (B) by striking “; or” and inserting a pe-
5 riod; and

6 (C) by striking subparagraph (B).

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

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

11 (B) by redesignating paragraph (7) as
12 paragraph (6).

13 (14) UNITED STATES HOUSING ACT OF 1937.—
14 Section 9 of the United States Housing Act of 1937
15 (42 U.S.C. 1437g) is amended by repealing sub-
16 section (f).

17 **SEC. 9. STREAMLINING OIRA REVIEW.**

18 (a) IN GENERAL.—Except as provided in subsection
19 (b), if the Office commences a review of a significant regu-
20 latory action, the Office shall complete such review not
21 more than 60 days after the date on which the Office re-
22 ceives the significant regulatory action.

23 (b) EXTENSION.—The Office may extend the 60-day
24 period described in subsection (a) by a single 30-day pe-

1 riod if the Office provides the agency with, and makes
2 publicly available, a written justification for the extension.

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

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

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

15 “(j)(1) Any entity required to file an annual report
16 under section 13 of the Securities Exchange Act of 1934
17 (15 U.S.C. 78m) that makes a submission under sub-
18 section (c) knowing the same—

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

21 “(B) to omit any material fact resulting in any
22 statement or representation being false or mis-
23 leading,

24 shall be subject to a civil penalty of not less than \$250,000
25 for a first violation.

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

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

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

19 **SEC. 11. ESTABLISHMENT OF THE OFFICE OF THE PUBLIC**
20 **ADVOCATE.**

21 Subchapter I of chapter 5 of title 5, United States
22 Code, is amended—

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

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

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

5 “(b) NATIONAL PUBLIC ADVOCATE.—The Office of
6 the Public Advocate shall be under the supervision of an
7 official to be known as the ‘National Public Advocate’, who
8 shall—

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

11 “(2) report to the President;

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

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

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

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

21 “(1) assisting agencies in soliciting public par-
22 ticipation in the rulemaking process under sub-
23 chapter II;

24 “(2) assisting individuals in participating in the
25 rulemaking process;

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

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

6 “(5) developing and coordinating social equity
7 definitions across the executive branch;

8 “(6) when requested by the agency or by the
9 public through comments submitted through the
10 process described in section 553 of title 5, United
11 States Code, performing, not later than 30 days
12 after the receipt of such a request, a social equity
13 assessment (as such term is defined in the Experts
14 Protect Effective Rules, Transparency, and Stability
15 Act of 2025) for a proposed rule; and

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

20 “(A) recommending and implementing new
21 outreach plans;

22 “(B) partnering with State, local, and
23 Tribal governments, and with community-based
24 organizations to propagate information about
25 rules changes; and

1 “(C) ensuring information about agency
2 rulemaking and changes to rules are written in
3 clear, accessible language that is accessible in
4 multiple languages.

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

11 (2) in the table of sections for such chapter, by
12 inserting after the item relating to section 504 the
13 following:

“505. Office of the Public Advocate.”.

14 **SEC. 12. SCOPE OF REVIEW.**

15 Section 706 of title 5, United States Code, is amend-
16 ed—

17 (1) in the first sentence of the matter preceding
18 paragraph (1)—

19 (A) by striking “agency action.” and in-
20 serting “agency action. If a statute that an
21 agency administers is silent or ambiguous as to
22 the proper construction of a particular term or
23 provision or set of terms or provisions, and an
24 agency has followed the applicable procedures
25 in subchapter II of chapter 5, has otherwise

1 lawfully adjudicated a matter, or has followed
2 the corresponding procedural provisions of the
3 relevant statute, as applicable, a reviewing court
4 shall defer to the agency’s reasonable or per-
5 missible interpretation of that statute, regard-
6 less of the significance of the related agency ac-
7 tion or a possible future agency action.”; and

8 (B) by striking “To the extent necessary”
9 and inserting:

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

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

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

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

19 “(2) when an agency has not issued a final
20 version of a proposed rule before the date that is 1
21 year after the date on which the proposed rule was
22 published in the Federal Register;

23 “(3) when an agency has not implemented a
24 final rule before the date that is 1 year after the im-
25 plementation date published in the Federal Register

1 or, if no implementation date was provided, before
2 the date that is 1 year after the date on which the
3 final rule was published in the Federal Register; and

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

7 **SEC. 13. RIGHT OF REVIEW.**

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

11 **“§ 707. Statute of limitation**

12 “Except as otherwise expressly provided by law, an
13 action seeking review of an agency action under this chap-
14 ter shall be commenced not later than 6 years after the
15 date of the final agency action.”.

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

19 (c) CLERICAL AMENDMENT.—The table of contents
20 for chapter 7 of title 5, United States Code, is amended
21 by inserting after the item relating to section 706 the fol-
22 lowing:

“707. Statute of limitation.”.

1 **SEC. 14. EXPANDING PUBLIC AWARENESS OF**
2 **RULEMAKINGS.**

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

6 “(1)(1) The head of each agency shall take such ac-
7 tions as may be necessary to—

8 “(A) expand public awareness of the initiation
9 of each rule making proceeding;

10 “(B) expand public awareness of the publication
11 of each proposed rule;

12 “(C) expand public awareness when a rule is
13 published; and

14 “(D) establish a participation log, including all
15 rule making participants, with respect to each rule
16 making.

17 “(2) Not later than 2 business days after the date
18 on which an agency publishes a notice of proposed rule
19 making or a final rule under this section, the agency shall
20 notify interested persons of the publication, including by
21 using contact information that interested persons have
22 provided to the agency and by publishing such notice on
23 the agency’s website and any social media accounts.”.

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

1 **SEC. 15. PUBLIC PETITIONS.**

2 Section 553(e) of title 5, United States Code, is
3 amended—

4 (1) by inserting “(1)” before “Each agency”;
5 and

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

7 “(2) Not later than 60 days after the date on
8 which an agency receives more than 100,000 signa-
9 tures on a single petition under paragraph (1), the
10 agency shall provide a written response that in-
11 cludes—

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

15 “(B) if the agency has not engaged in the
16 requested issuance, amendment, or repeal of a
17 rule, a written explanation for not engaging in
18 the requested issuance, amendment, or repeal.

19 “(3) Not later than 30 days after the date of
20 enactment of the Experts Protect Effective Rules,
21 Transparency, and Stability Act of 2025, the head
22 of each agency shall establish and publish proce-
23 dures for the processing of a petition under para-
24 graph (1), including—

25 “(A) using the agency website, the Federal
26 Register, and other Federal websites to educate

1 the public about how to file a petition under
2 paragraph (1); and

3 “(B) creating an accessible docket on the
4 internet website of the agency, or on any exist-
5 ing Government-wide internet website, of any
6 petition filed under paragraph (1).

7 “(4) No agency action under this subsection
8 shall be subject to review under chapter 7.”.

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

10 Section 801(b) of title 5, United States Code, is
11 amended—

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

13 (2) by striking paragraph (2).

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

15 (a) **DEFINITIONS.**—In this section—

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

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

23 (b) **FAST-TRACK REINSTATEMENT.**—A Federal
24 agency may reinstate a covered rule by publishing the cov-

1 ered rule in the Federal Register during the 1-year period
2 beginning on the date of enactment of this Act.

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

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

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

12 (1) take into account the benefits of the rule to
13 the public, including the nonquantifiable benefits of
14 the rule; and

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

18 (b) REQUIREMENT OF DISTRIBUTIONAL EFFECTS.—
19 An agency shall take into account distributional effects
20 and the social equity impact of a rule when issuing such
21 rule.

22 (c) SCOPE OF REVIEW.—Section 706 of title 5,
23 United States Code, as amended by section 12, is amended
24 in subsection (a), as so designated, by inserting after
25 “prejudicial error.” the following: “When acting under

1 paragraph (2)(A), the court shall not require an agency
2 to demonstrate that the challenged action meets a cost-
3 benefit analysis standard except where explicitly required
4 by law.”.

5 **SEC. 19. DEFINITIONS.**

6 In this Act:

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

10 (2) **INTERESTED PERSON.**—The term “inter-
11 ested person” includes individuals, partnerships, cor-
12 porations, associations, or public or private organiza-
13 tions of any character other than an agency.

14 (3) **OFFICE.**—The term “Office” means the Of-
15 fice of Information and Regulatory Affairs of the Of-
16 fice of Management and Budget.

17 (4) **REGULATORY ACTION.**—The term “regu-
18 latory action” means any substantive action by an
19 agency that promulgates or is expected to lead to the
20 promulgation of a final rule or regulation, including
21 notices of inquiry, advance notices of proposed rule-
22 making, and notices of proposed rulemaking.

23 (5) **SIGNIFICANT REGULATORY ACTION.**—The
24 term “significant regulatory action” means any reg-

1 ulatory action that is likely to result in a rule that
2 may—

3 (A) have an annual effect on the economy
4 of \$100,000,000 or more or adversely affect in
5 a material way the economy, a sector of the
6 economy, productivity, competition, jobs, the
7 environment, public health or safety, or State,
8 local, or Tribal governments or communities;

9 (B) create a serious inconsistency or other-
10 wise interfere with an action taken or planned
11 by another agency;

12 (C) materially alter the budgetary impact
13 of entitlements, grants, user fees, or loan pro-
14 grams or the rights and obligations of recipi-
15 ents thereof; or

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

20 (6) SOCIAL EQUITY IMPACT.—The term “social
21 equity impact” means any impact of a proposed
22 rule, whether intended or unintended, that might
23 reasonably be expected to disproportionately affect a
24 population of interested persons that is part of a
25 protected class or set of protected classes, based on

1 the rule’s plain language, stated intention, and based
2 on credible statistical projections and data on the
3 impacts of similar rules, laws, and policies.

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

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