

SECTION-BY-SECTION SUMMARY

The Lessening Regulatory Costs and Establishing a Federal Regulatory Budget Act of 2017

H.R. 2623, Lessening Regulatory Costs and Establishing a Federal Regulatory Budget Act of 2017

Section 1. Short Title; Table of Contents.

Section 1 establishes the short title of the bill.

Section 2. Sense of Congress; Purpose.

Section 2 states it is the sense of Congress that the federal government should be fiscally responsible with regard to public and private funding sources and should manage costs associated with the imposition of private expenditures resulting from federal regulations.

The section also states the purpose of the Act is to remove unnecessary and outdated regulations and to prudently manage and control the cost of planned regulations.

Section 3. Establishing Regulatory Reform Capacity.

Section 3 requires agencies to appoint a Regulatory Reform Officer (RRO) to oversee regulatory reform initiatives and establish a Regulatory Reform Task Force to review the agency's regulations and other regulatory actions. The Task Force of the agency is required to review every regulation of the agency within five years and to identify regulations and regulatory actions that would be appropriate for repeal, replacement, or modification. The Agency's RRO and Task Force are required to consult with the public and entities significantly affected by regulations through a transparent process.

This section also requires the agency to make information about the task force available on the agency's website. The RRO is required to submit a biannual report to the head of the agency and to make the report available on the agency's website.

Section 4. Accountability.

Section 4 requires agencies to incorporate performance indicators to measure progress toward implementing the Act into the annual performance plan required under section 1115 of title 31, United States Code, and to consider progress toward implementing the Act in assessing the performance of individuals responsible for implementing the Act.

Section 5. Regulatory Planning and Budget.

Section 5 requires the Director of the Office of Management and Budget (OMB) to collect information from agencies on the regulatory actions under development at the agency and significant regulatory actions expected to be proposed or finalized in the next year. As part of this process, agencies will submit deregulatory actions proposed to offset the cost of new significant regulatory actions.

Section 5 requires the Director of OMB to establish a Federal Regulatory Budget for federal agencies and set an incremental regulatory cost allowance for each agency in the next fiscal year. Agencies are required to identify two deregulatory actions for each significant regulatory action, ensure the incremental regulatory costs of the significant regulatory action and associated deregulatory actions are within the agency's incremental regulatory cost allowance, and ensure the significant regulatory action has previously been noticed on the Unified Regulatory Agenda, prior to issuing any new significant regulatory action. The Director of the Office of Management and Budget is permitted to waive the requirements for an agency issuing significant regulatory actions, provided the waiver is in writing and made publicly available.

Section 6. Waiver.

Section 6 authorizes the Director of OMB to waive the requirements of section 3 if the agency generally issues very few or no rules and the agency requests the waiver in writing. The Director is required to make the written request and the written waiver publicly available online for the period of time the waiver is in effect.

Section 7. Definitions.

Section 7 defines agency, costs, deregulatory action, Director, incremental regulatory cost, regulation, regulatory action, and significant regulatory action.