

118TH CONGRESS  
2D SESSION

# H. R. 9032

To amend chapter 6 of title 5, United States Code (commonly known as the “Regulatory Flexibility Act”), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2024

Ms. MALOY 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 amend chapter 6 of title 5, United States Code (commonly known as the “Regulatory Flexibility Act”), to ensure complete analysis of potential impacts on small entities of rules, 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 “Enhanced Regulatory  
5 Flexibility Assessment Act”.

1 **SEC. 2. REQUIREMENTS PROVIDING FOR MORE DETAILED**  
2 **ANALYSES.**

3 (a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—  
4 Section 603(b) of title 5, United States Code, is amended  
5 to read as follows:

6 “(b) Each initial regulatory flexibility analysis re-  
7 quired under this section shall contain a detailed state-  
8 ment—

9 “(1) describing the reasons why action by the  
10 agency is being considered;

11 “(2) describing the objectives of, and legal basis  
12 for, the proposed rule;

13 “(3) estimating the number and type of small  
14 entities to which the proposed rule will apply;

15 “(4) describing the projected reporting, record-  
16 keeping, and other compliance requirements of the  
17 proposed rule, including an estimate of the classes of  
18 small entities which will be subject to the require-  
19 ment and the type of professional skills necessary  
20 for preparation of the report and record;

21 “(5) describing all relevant Federal rules which  
22 may duplicate, overlap, or conflict with the proposed  
23 rule, or the reasons why such a description could not  
24 be provided;

25 “(6) estimating the additional cumulative eco-  
26 nomic impact of the proposed rule on small entities

1 beyond that already imposed on the class of small  
2 entities by the agency or why such an estimate is  
3 not available;

4 “(7) describing any disproportionate economic  
5 impact on small entities or a specific class of small  
6 entities; and

7 “(8) describing any impairment of the ability of  
8 small entities to have access to credit.”.

9 (b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

10 (1) IN GENERAL.—Section 604(a) of title 5,  
11 United States Code, is amended—

12 (A) in paragraph (4)—

13 (i) by inserting “detailed” before “de-  
14 scription”; and

15 (ii) by striking “an explanation” and  
16 inserting “a detailed explanation”;

17 (B) in paragraph (5), by inserting “de-  
18 tailed” before “description”;

19 (C) in paragraph (6)—

20 (i) by inserting “detailed” before “de-  
21 scription”; and

22 (ii) by striking “and” at the end;

23 (D) in paragraph (7), as so redesignated,  
24 by striking the period at the end and inserting  
25 “; and”; and

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

2 “(8) a detailed description of any dispropor-  
3 tionate economic impact on small entities or a spe-  
4 cific class of small entities.”.

5 (2) INCLUSION OF RESPONSE TO COMMENTS ON  
6 CERTIFICATION OF PROPOSED RULE.—Section  
7 604(a)(2) of title 5, United States Code, is amended  
8 by inserting “(or certification of the proposed rule  
9 under section 605(b))” after “initial regulatory flexi-  
10 bility analysis”.

11 (3) PUBLICATION OF ANALYSIS ON WEBSITE.—  
12 Section 604(b) of title 5, United States Code, is  
13 amended to read as follows:

14 “(b) The agency shall make copies of the final regu-  
15 latory flexibility analysis available to the public, including  
16 placement of the entire analysis on the website of the  
17 agency, and shall publish in the Federal Register the final  
18 regulatory flexibility analysis, or a summary thereof which  
19 includes the telephone number, mailing address, and link  
20 to the website where the complete analysis may be ob-  
21 tained.”.

22 (c) CROSS-REFERENCES TO OTHER ANALYSES.—  
23 Section 605(a) of title 5, United States Code, is amended  
24 to read as follows:

1 “(a) A Federal agency shall be treated as satisfying  
2 any requirement regarding the content of a regulatory  
3 flexibility agenda or regulatory flexibility analysis under  
4 section 602, 603, or 604 if the Federal agency provides  
5 in the agenda or analysis a cross-reference to the specific  
6 portion of another agenda or analysis which is required  
7 by any other law and which satisfies the requirement.”.

8 (d) CERTIFICATIONS.—Section 605(b) of title 5,  
9 United States Code, is amended by striking “statement  
10 providing the factual basis for such certification.” and in-  
11 serting “detailed statement providing the factual and legal  
12 basis for such certification. The detailed statement shall  
13 include an economic assessment or a summary thereof  
14 that is sufficiently detailed to support the certification of  
15 the agency.”.

16 (e) QUANTIFICATION REQUIREMENTS.—Section 607  
17 of title 5, United States Code, is amended to read as fol-  
18 lows:

19 **“§ 607. Quantification requirements**

20 “In complying with sections 603 and 604, an agency  
21 shall provide—

22 “(1) a quantifiable or numerical description of  
23 the effects of—

24 “(A) the proposed or final rule; and

1                   “(B) alternatives to the proposed or final  
2                   rule; or

3                   “(2) a more general descriptive statement and  
4                   a detailed statement explaining why quantification is  
5                   not practicable or reliable.”.

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