



(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend the definition of section 804 of title 5.

IN THE HOUSE OF REPRESENTATIVES

Mr. JOYCE of Ohio introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

**A BILL**

To amend the definition of section 804 of title 5.

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 “Limiting the Intrusive  
5 Bureaucracy and Empowering Regulatory Transparency  
6 for You Act” or the “LIBERTY Act”.

7 **SEC. 2. CONGRESSIONAL REVIEW OF AGENCY RULE-**  
8 **MAKING.**

9 Section 804 of title 5, United States Code, is amend-  
10 ed to read as follows:

1   **“§ 804. Definitions**

2       “For purposes of this chapter:

3           “(1) The term ‘Federal agency’ means any  
4       agency as that term is defined in section 551(1).

5           “(2) The term ‘major rule’—

6               “(A) means any rule that the Adminis-  
7       trator of the Office of Information and Regu-  
8       latory Affairs of the Office of Management and  
9       Budget finds has resulted in or is likely to re-  
10      sult in—

11               “(i) an annual effect on the economy  
12              of \$100,000,000 or more;

13               “(ii) a major increase in costs or  
14              prices for consumers, individual industries,  
15              Federal, State, or local government agen-  
16              cies, or geographic regions; or

17               “(iii) significant adverse effects on  
18              competition, employment, investment, pro-  
19              ductivity, innovation, or on the ability of  
20              United States-based enterprises to compete  
21              with foreign-based enterprises in domestic  
22              and export markets; and

23               “(B) includes significant guidance docu-  
24              ments.

25           “(3) The term ‘rule’—

1 “(A) has the meaning given such term in  
2 section 551, except that such term does not in-  
3 clude (except as otherwise provided in subpara-  
4 graph (B))—

5 “(i) any rule of particular applica-  
6 bility, including a rule that approves or  
7 prescribes for the future rates, wages,  
8 prices, services, or allowances therefor, cor-  
9 porate or financial structures, reorganiza-  
10 tions, mergers, or acquisitions thereof, or  
11 accounting practices or disclosures bearing  
12 on any of the foregoing;

13 “(ii) any rule relating to agency man-  
14 agement or personnel; or

15 “(iii) any rule of agency organization,  
16 procedure, or practice that does not sub-  
17 stantially affect the rights or obligations of  
18 non-agency parties; and

19 “(B) includes guidance documents.

20 “(4) The term ‘guidance document’ means a  
21 statement of general applicability and future effect,  
22 other than a regulatory action, issued by a Federal  
23 agency that sets forth—

24 “(A) a policy on a statutory, regulatory, or  
25 technical issue; or

1           “(B) an interpretation of a statutory or  
2           regulatory issue.

3           “(5) The term ‘significant guidance docu-  
4           ment’—

5           “(A) means a guidance document dissemi-  
6           nated to regulated entities or the general public  
7           that may reasonably be anticipated to—

8           “(i) lead to an annual effect of  
9           \$100,000,000 or more, or adversely affect  
10          in a material way the economy, a sector of  
11          the economy, productivity, competition,  
12          employment, the environment, public  
13          health or safety, or State, local, or Tribal  
14          governments or communities;

15          “(ii) create a serious inconsistency, or  
16          otherwise interfere, with an action taken or  
17          planned by another Federal agency;

18          “(iii) materially alter the budgetary  
19          impact of any entitlement, grant, user fees,  
20          or loan programs, or the rights or obliga-  
21          tions of recipients thereof; or

22          “(iv) raise novel legal or policy issues  
23          arising out of legal mandates; and

24          “(B) does not include any guidance docu-  
25          ment—

1 “(i) on regulations issued in accord-  
2 ance with section 556 or 557;

3 “(ii) that pertains to a military or for-  
4 eign affairs function of the United States,  
5 other than procurement regulations and  
6 regulations involving the import or export  
7 of non-defense articles and services; or

8 “(iii) on regulations that are limited  
9 to the organization, management, or per-  
10 sonnel matters of a Federal agency.”.

11 **SEC. 3. DEFINITION OF “RULE” TO INCLUDE SIGNIFICANT**  
12 **GUIDANCE DOCUMENT FOR PURPOSES OF**  
13 **RULEMAKING.**

14 Section 551(4) of title 5, United States Code, is  
15 amended by inserting before the semicolon the following:  
16 “, as well as significant guidance document (as such term  
17 is defined in section 804(5))”.