



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

June 21, 2017

S. 579

Early Participation in Regulations Act of 2017

*As ordered reported by the Senate Committee on Homeland Security
and Governmental Affairs on May 17, 2017*

S. 579 would amend the Administrative Procedures Act to require agencies to publish an Advance Notice of Proposed Rulemaking (ANPRM) for major rules in the Federal Register at least 90 days before publishing a Notice of Proposed Rulemaking (NPRM). Under the bill, major rules would include all regulations that are likely to result in an annual effect on the economy of \$100 million or more; a major increase in prices or costs for consumers, industry, government agencies or individual regions; or a significant impact on U.S. companies that compete with foreign companies.

Based on an analysis of information provided by the Congressional Research Service and selected agencies on the current regulatory process, CBO estimates that the executive branch usually issues between 3,000 and 4,000 final rules each year, of which approximately 70 would be defined as major under the bill. Agencies seldom issue an ANPRM; however, CBO expects that most of the information needed to publish one also is needed for the NPRM. Based on the costs of printing such notices and the necessary work to publish one additional notice, CBO estimates that preparing and publishing approximately 70 ANPRMs would cost about \$1 million a year government wide. Such spending would be subject to the availability of appropriated funds. Additionally, CBO expects that adding the requirement to publish an ANPRM would not significantly delay the implementation of final regulations.

CBO expects that any change to the regulatory process, including more public involvement, could lead to changes in proposed and final rules. However, CBO has no basis to estimate any budgetary effects from such changes.

Enacting the bill could affect direct spending by agencies not funded through annual appropriations; therefore pay-as-you-go procedures apply. CBO estimates, however, that any net increase in spending by those agencies would be negligible. Enacting S. 579 would not affect revenues.

CBO estimates that enacting S. 579 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

S. 579 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.