

117TH CONGRESS
1ST SESSION

H. R. 3204

To require each agency to repeal two existing regulations before issuing
a new regulation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2021

Mr. McCAUL (for himself and Mr. ROY) introduced the following bill; which
was referred to the Committee on Oversight and Reform, and in addition
to the Committee on the Judiciary, for a period to be subsequently deter-
mined by the Speaker, in each case for consideration of such provisions
as fall within the jurisdiction of the committee concerned

A BILL

To require each agency to repeal two existing regulations
before issuing a new regulation, 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 “One In, Two Out Act”.

5 **SEC. 2. REPEAL OF REGULATIONS REQUIRED BEFORE**
6 **ISSUANCE OF A NEW RULE.**

7 (1) REQUIREMENT FOR RULE.—An agency may
8 not issue a rule unless such agency has repealed two

1 or more rules described in paragraph (4) that, to the
2 extent practicable, are related to the rule.

3 (2) REQUIREMENT FOR MAJOR RULE.—

4 (A) REPEAL REQUIRED.—An agency may
5 not issue a major rule unless—

6 (i) such agency has repealed two or
7 more rules described in paragraph (4)
8 that, to the extent practicable, are related
9 to the major rule; and

10 (ii) the cost of the new major rule is
11 less than or equal to the cost of the rules
12 repealed.

13 (B) CERTIFIED COST.—For any rule
14 issued in accordance with subparagraph (A),
15 the Administrator of the Office of Information
16 and Regulatory Affairs of the Office of Manage-
17 ment and Budget must have certified that the
18 cost of the new major rule is equal to or less
19 than the cost of the rules repealed.

20 (3) PUBLICATION REQUIRED.—Any rule re-
21 pealed under paragraph (1) or (2) shall be published
22 in the Federal Register.

23 (4) APPLICABILITY.—This section—

24 (A) applies to any rule or major rule that
25 imposes a cost or responsibility on a nongovern-

1 mental person or a State or local government;
2 and

3 (B) shall not apply to any rule or major
4 rule—

5 (i) that relates to the internal policy
6 or practice of an agency or procurement by
7 the agency; or

8 (ii) that is being revised to be less
9 burdensome to decrease requirements im-
10 posed by the rule or cost of compliance.

11 (5) DEFINITIONS.—In this section:

12 (A) AGENCY.—The term “agency” has the
13 meaning given that term in section 551 of title
14 5, United States Code.

15 (B) MAJOR RULE.—The term “major rule”
16 has the meaning given that term in section 804
17 of title 5, United States Code.

18 (C) RULE.—The term “rule” has the
19 meaning given that term in section 551 of title
20 5, United States Code.

21 (D) STATE.—The term “State” means
22 each of the several States, the District of Co-
23 lumbia, each territory or possession of the

- 1 United States, and each federally recognized In-
- 2 dian tribe.

