

106TH CONGRESS
2D SESSION

H. R. 4744

To require the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2000

Mrs. KELLY (for herself and Mr. MCINTOSH) introduced the following bill;
which was referred to the Committee on Government Reform

A BILL

To require the General Accounting Office to report to Congress on economically significant rules of Federal agencies, 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 “Truth in Regulating
5 Act of 2000”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) many Federal regulations have improved
9 the quality of life of the American public, however,
10 uncontrolled increases in regulatory costs and lost

1 opportunities for better regulation should not be
2 continued;

3 (2) the legislative branch has a responsibility to
4 ensure that laws passed by Congress are properly
5 implemented by the executive branch; and

6 (3) in order for the legislative branch to fulfill
7 its responsibilities to ensure that laws passed by
8 Congress are implemented in an efficient, effective,
9 and fair manner, the Congress requires accurate and
10 reliable information on which to base decisions.

11 (b) PURPOSES.—The purposes of this Act are to—

12 (1) increase the transparency of important reg-
13 ulatory decisions;

14 (2) promote effective congressional oversight to
15 ensure that agency rules fulfill statutory require-
16 ments in an efficient, effective, and fair manner; and

17 (3) increase the accountability of Congress and
18 the agencies to the people they serve.

19 **SEC. 3. DEFINITIONS.**

20 In this Act, the term—

21 (1) “agency” has the meaning given such term
22 under section 551(1) of title 5, United States Code;

23 (2) “economically significant rule” means any
24 proposed or final rule, including an interim or direct
25 final rule, that may have an annual effect on the

1 economy of \$100,000,000 or more or adversely af-
2 fect in a material way the economy, a sector of the
3 economy, productivity, competition, jobs, the envi-
4 ronment, public health or safety, or State, local, or
5 tribal governments or communities, or for which an
6 agency has prepared an initial or final regulatory
7 flexibility analysis pursuant to section 603 or 604 of
8 title 5, United States Code; and

9 (3) “independent evaluation” means a sub-
10 stantive evaluation of the agency’s and the public’s
11 data, methodology, and assumptions used in devel-
12 oping the economically significant rule, and any ad-
13 ditional evaluation that the Comptroller General de-
14 termines to be necessary, including—

15 (A) an explanation of how any strengths or
16 weaknesses in those data, methodology, and as-
17 sumptions support or detract from conclusions
18 reached by the agency; and

19 (B) the implications, if any, of those
20 strengths or weaknesses for the rulemaking.

21 **SEC. 4. REPORT ON RULES.**

22 (a) IN GENERAL.—

23 (1) REQUEST FOR REVIEW.—When an agency
24 publishes an economically significant rule, a chair-
25 man or ranking member of a committee of jurisdic-

1 tion of either House of Congress may request the
2 Comptroller General of the United States to review
3 the rule.

4 (2) REPORT.—The Comptroller General shall
5 submit a report on each economically significant rule
6 selected under paragraph (4) to the committees of
7 jurisdiction in each House of Congress not later
8 than 180 calendar days after a committee request is
9 received, or in the case of a request for review of a
10 notice of proposed rulemaking or an interim final
11 rulemaking, by not later than the end of the 60-cal-
12 endar-day period beginning on the date the com-
13 mittee request is received, or the end of the period
14 for submission of comment regarding the rule-
15 making, whichever is later. The report shall include
16 an independent evaluation of the economically sig-
17 nificant rule by the Comptroller General.

18 (3) INDEPENDENT EVALUATION.—The inde-
19 pendent evaluation of the economically significant
20 rule by the Comptroller General under paragraph
21 (2) shall include—

22 (A) an evaluation of the potential benefits
23 of the rule, including any beneficial effects that
24 cannot be quantified in monetary terms and the

1 identification of the persons or entities likely to
2 receive the benefits;

3 (B) an evaluation of the potential costs of
4 the rule, including any adverse effects that can-
5 not be quantified in monetary terms and the
6 identification of the persons or entities likely to
7 bear the costs;

8 (C) an evaluation of any alternative ap-
9 proaches that could achieve the same goal in a
10 more cost-effective manner or that could pro-
11 vide greater net benefits, and, if applicable, a
12 brief explanation of any statutory reasons why
13 such alternatives could not be adopted;

14 (D) an evaluation of the regulatory impact
15 analysis, federalism assessment, or other anal-
16 ysis or assessment prepared by the agency or
17 required for the economically significant rule;
18 and

19 (E) a summary of the results of the eval-
20 uation of the Comptroller General and the im-
21 plications of those results, including an evalua-
22 tion of any changes from the proposed rule
23 made by the agency in the final rule.

24 (4) PROCEDURES FOR PRIORITIES OF RE-
25 QUESTS.—In consultation with the Majority and Mi-

1 nORITY Leaders of the Senate and the Speaker and
2 Minority Leader of the House of Representatives,
3 the Comptroller General shall develop procedures for
4 determining the priority and number of those re-
5 quests for review under paragraph (1) that will be
6 reported under paragraph (2). The procedures shall
7 give the highest priority to requests regarding a no-
8 tice of proposed rulemaking, and to requests regard-
9 ing an interim final rulemaking.

10 (b) **AUTHORITY OF COMPTROLLER GENERAL.**—Each
11 agency shall promptly cooperate with the Comptroller
12 General in carrying out this Act. Nothing in this Act is
13 intended to expand or limit the authority of the General
14 Accounting Office.

15 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated to the Gen-
17 eral Accounting Office to carry out this Act \$5,200,000
18 for each of fiscal years 2001 through 2003.

19 **SEC. 6. EFFECTIVE DATE; SUNSET PROVISION.**

20 (a) **EFFECTIVE DATE.**—This Act shall take effect
21 180 days after the date of enactment of this Act.

22 (b) **SUNSET PROVISION.**—This Act shall not apply
23 with respect to rules published on or after the date that
24 is 3 years after the effective date of this Act.

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