

REGULATORY TRANSITION ACT OF 1995

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FEBRUARY 16, 1995.—Ordered to be printed  
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Mr. CLINGER, from the Committee on Government Reform and Oversight, submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany H.R. 450]

[Including cost estimate of the Congressional Budget Office]

The Committee on Government Reform and Oversight, to whom was referred the bill (H.R. 450) to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Regulatory Transition Act of 1995".

**SEC. 2. FINDING.**

The Congress finds that effective steps for improving the efficiency and proper management of Government operations, including enactment of a new law or laws to require (1) that the Federal rulemaking process include cost/benefit analysis, including analysis of costs resulting from the loss of property rights, and (2) for those Federal regulations that are subject to risk analysis and risk assessment that those regulations undergo standardized risk analysis and risk assessment using the best scientific and economic procedures, will be promoted if a moratorium on new rulemaking actions is imposed and an inventory of such action is conducted.

**SEC. 3. MORATORIUM ON REGULATIONS.**

(a) **MORATORIUM.**—Until the end of the moratorium period, a Federal agency may not take any regulatory rulemaking action, unless an exception is provided under section 5. Beginning 30 days after the date of the enactment of this Act, the effec-

tiveness of any regulatory rulemaking action taken or made effective during the moratorium period but before the date of the enactment shall be suspended until the end of the moratorium period, unless an exception is provided under section 5.

(b) INVENTORY OF RULEMAKINGS.—Not later than 30 days after the date of the enactment of this Act, the President shall conduct an inventory and publish in the Federal Register a list of all regulatory rulemaking actions covered by subsection (a) taken or made effective during the moratorium period but before the date of the enactment.

**SEC. 4. SPECIAL RULE ON STATUTORY, REGULATORY, AND JUDICIAL DEADLINES.**

(a) IN GENERAL.—Any deadline for, relating to, or involving any action dependent upon, any regulatory rulemaking actions authorized or required to be taken before the end of the moratorium period is extended for 5 months or until the end of the moratorium period, whichever is later.

(b) DEADLINE DEFINED.—The term “deadline” means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

(c) IDENTIFICATION OF POSTPONED DEADLINES.—Not later than 30 days after the date of the enactment of this Act, the President shall identify and publish in the Federal Register a list of deadlines covered by subsection (a).

**SEC. 5. EMERGENCY EXCEPTIONS; EXCLUSIONS.**

(a) EMERGENCY EXCEPTION.—Section 3(a) or 4(a), or both, shall not apply to a regulatory rulemaking action if—

(1) the head of a Federal agency otherwise authorized to take the action submits a written request to the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget and submits a copy thereof to the appropriate committees of each House of the Congress;

(2) the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds in writing that a waiver for the action is (A) necessary because of an imminent threat to health or safety or other emergency, or (B) necessary for the enforcement of criminal laws; and

(3) the Federal agency head publishes the finding and waiver in the Federal Register.

(b) EXCLUSIONS.—The head of an agency shall publish in the Federal Register any action excluded because of a certification under section 6(3)(B).

**SEC. 6. DEFINITIONS.**

For purposes of this Act:

(1) FEDERAL AGENCY.—The term “Federal agency” means any agency as that term is defined in section 551(1) of title 5, United States Code (relating to administrative procedure).

(2) MORATORIUM PERIOD.—The term “moratorium period” means the period of time—

(A) beginning November 20, 1994; and

(B) ending on the earlier of—

(i) the first date on which there have been enacted one or more laws that—

(I) require that the Federal rulemaking process include cost/benefit analysis, including analysis of costs resulting from the loss of property rights; and

(II) for those Federal regulations that are subject to risk analysis and risk assessment, require that those regulations undergo standardized risk analysis and risk assessment using the best scientific and economic procedures; or

(ii) December 31, 1995.

(3) REGULATORY RULEMAKING ACTION.—

(A) IN GENERAL.—The term “regulatory rulemaking action” means any rulemaking on any rule normally published in the Federal Register, including—

(i) the issuance of any substantive rule, interpretative rule, statement of agency policy, notice of inquiry, advance notice of proposed rulemaking, or notice of proposed rulemaking, and

(ii) any other action taken in the course of the process of rulemaking (except a cost benefit analysis or risk assessment, or both).

(B) EXCLUSIONS.—The term “regulatory rulemaking action” does not include—

(i) any agency action that the head of the agency and the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget certify in writing is limited to repealing, narrowing, or streamlining a rule, regulation, or administrative process or otherwise reducing regulatory burdens;

(ii) any agency action that the head of the agency and the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget certify in writing is limited to matters relating to military or foreign affairs functions, statutes implementing international trade agreements, or agency management, personnel, or public property, loans, grants, benefits, or contracts;

(iii) any agency action that the head of the agency and the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget certify in writing is limited to a routine administrative function of the agency;

(iv) any agency action that—

(I) is taken by an agency that supervises and regulates insured depository institutions, affiliates of such institutions, credit unions, or government sponsored housing enterprises; and

(II) the head of the agency certifies would meet the standards for an exception or exclusion described in this Act; or

(v) any agency action that the head of the agency certifies is limited to interpreting, implementing, or administering the internal revenue laws of the United States.

(4) **RULE.**—The term “rule” means the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy. Such term does not include the approval or prescription, on a case-by-case or consolidated case basis, for the future of rates, wages, corporation, or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor, or of valuations, costs, or accounting, or practices bearing on any of the foregoing, nor does it include any action taken in connection with the implementation of monetary policy or to ensure the safety and soundness of federally insured depository institutions, any affiliate of such an institution, credit unions, or government sponsored housing enterprises or to protect the Federal deposit insurance funds. Such term also does not include the granting an application for a license, registration, or similar authority, granting or recognizing an exemption, granting a variance or petition for relief from a regulatory requirement, or other action relieving a restriction or taking any action necessary to permit new or improved applications of technology or allow the manufacture, distribution, sale, or use of a substance or product.

(5) **RULEMAKING.**—The term “rulemaking” means agency process for formulating, amending, or repealing a rule.

(6) **LICENSE.**—The term “license” means the whole or part of an agency permit, certificate, approval, registration, charter, membership, statutory exemption, or other form of permission.

(7) **IMMINENT THREAT TO HEALTH OR SAFETY.**—The term “imminent threat to health or safety” means the existence of any condition, circumstance, or practice reasonably expected to cause death, serious illness, or severe injury to humans, or substantial endangerment to private property during the moratorium period.

#### **SEC. 7. LIMITATION ON CIVIL ACTIONS.**

No private right of action may be brought against any Federal agency for a violation of this Act. This prohibition shall not affect any private right of action or remedy otherwise available under any other law.

#### **SEC. 8. RELATIONSHIP TO OTHER LAW; SEVERABILITY.**

(a) **APPLICABILITY.**—This Act shall apply notwithstanding any other provision of law.

(b) **SEVERABILITY.**—If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

#### **I. SHORT SUMMARY**

The Regulatory Transition Act of 1995 (“the Act”) establishes a moratorium on regulatory rulemaking actions by most agencies of

the Federal Government, covering rulemakings between on November 20, 1994 and December 31, 1995. The moratorium can be lifted earlier, but only if substantive regulatory reforms (cost/benefit analysis and risk assessment) are enacted. On the date of enactment, agencies are prohibited from taking most regulatory rule-making actions until the end of the moratorium period. In addition, thirty days after enactment, the effectiveness of any regulatory rulemaking action taken during the moratorium period, but before the date of enactment, is suspended until the end of the moratorium period.

“Regulatory rulemaking action” is defined in the Act so that most agency actions that lead to a final regulation are covered by the moratorium. The bill does not prohibit agencies from conducting cost/benefit analysis or risk assessment on regulations; nor does it prevent the public from providing comments to agencies on pending regulations.

There are common sense exceptions to the moratorium. Regulations that are necessary because of an imminent threat to health or safety or other emergency, or for the enforcement of criminal laws are not stopped by the moratorium.

In addition, there are a few exclusions based on the subject matter of the regulation. Most importantly, regulations that repeal, narrow, or streamline pre-existing regulatory burdens are not covered. Also excluded are regulations that interpret, implement or administer the internal revenue laws of the United States, as well as regulations issued by agencies that supervise and regulate the banking industry. Regulations relating to military or foreign affairs functions, statutes implementing international trade agreements, and agency management, personnel, or public property, loans, grants, benefits, or contracts are all excluded from the moratorium. Finally, regulations that are limited to the routine administrative function of an agency are not covered.

Before a regulation qualifies for an exception or exclusion, however, a senior official within the executive branch must certify that the regulation meets the standards for exception or exclusion, and must publish the certification in the Federal Register. In the case of most regulations, the head of the agency seeking to promulgate the regulation must submit a written request that the Administrator of the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget (OMB) certify in writing that the regulation is not covered by the moratorium. In the case of regulations relating to the internal revenue laws and regulations that are promulgated by agencies that supervise the banking industry, the head of the agency must certify that the regulation falls into one of the exceptions above.

Because many agencies face statutorily or judicially imposed deadlines for the promulgation of regulations, the Act extends all such deadlines for five months or to the end of the moratorium period, whichever is later. The Act also requires the President to publish a list of all such deadlines in the Federal Register.

The Act provides that no private right of action may be brought against any Federal agency for a violation of the Act. However, the Act also provides that this prohibition shall not affect any private right of action or remedy otherwise available under any other law.

Thus, the Act does not alter current law regarding judicial review of agency actions.

## II. BACKGROUND ON FEDERAL REGULATIONS

On November 8, 1994, the American people sent a clear message to Washington: "GET GOVERNMENT OFF OUR BACKS." Included in this message was a deep and growing resentment of the extent to which federal regulations have intruded upon the everyday lives of most Americans. Although often expressed anecdotally, the peoples' concern with regulation is a fundamental one that is basic to any republican form of government. More than 150 years ago, Alexis de Tocqueville expressed concerns about the dangers of over-regulation:

[Regulation] covers the surface of society with a network of small complicated rules, minute and uniform, through which the most original minds and the most energetic characters cannot penetrate. . . . [Regulation] does not destroy, but it prevents existence; it does not tyrannize, but it compresses, enervates, extinguishes, and stupefies a people, till each nation is reduced to be nothing better than a flock of timid and industrious animals, of which the government is the shepherd.<sup>1</sup>

Mindful of these concerns, this Committee passed this Act on February 13, 1995, by a vote of 28 ayes to 13 nays, to provide a "time-out" from new regulations in order to give the public, the Congress, and the regulators themselves the breathing room needed to consider and pass substantive regulatory reforms.

The history of regulation in America and Congressional and Presidential efforts to control it is well documented and does not need to be repeated here in full detail.<sup>2</sup> What is important to recount is the recent history of Executive Branch efforts to reform the regulatory process. Because these efforts have failed to produce significant lasting regulatory reform, this Committee believes it is now time for Congress to act.

President Richard Nixon established the first modern regulatory review program, entitled the Quality of Life review (QOL). Under QOL, agencies were required to consider various regulatory alternatives and their costs when developing "significant" regulations. The proposed and final regulations were submitted to OMB, which circulated them to other agencies for comment.

President Gerald Ford continued the QOL review when he assumed office in 1974. Concerned about inflation, he also issued Executive Order 11821 ("E.O. 11821"), requiring agencies to prepare inflationary impact statements for all major regulations. E.O. 11821 directed OMB to develop criteria for identifying major regulations and to prescribe procedures for their evaluation.

President Jimmy Carter's Executive Order 12044 extended President Ford's efforts to reduce the costs of regulations by revising

<sup>1</sup>A. Tocqueville, "Democracy in America" (1840).

<sup>2</sup>The last significant attempt by Congress to reform the regulatory process was in 1981, with the Senate's consideration of Senate Bill 1080. The Senate Judiciary Committee's Report on the bill is an excellent source of information. Report No. 97-284. In addition, a bibliography of additional sources is appended to this Report.

rulemaking procedures. E.O. 12044 directed agencies to identify "significant" regulations imposing costs on the economy of \$100 million or more per year or causing a major increase in costs or prices to various groups or regions, and to prepare a cost/benefit analysis for such regulations. Despite these efforts, the number of new federal regulations spiraled higher than ever, reaching an all-time record high of 73,258 pages in the Federal Register during the last year of the Carter Administration.

To stem the tide of regulations, President Ronald Reagan issued Executive Order 12291 shortly after taking office. This Order incorporated and expanded upon the key provisions of E.O. 12044, including a review of existing regulations, selecting the least costly regulatory alternative when developing new regulations and requiring agencies to prepare regulatory cost/benefit analyses (termed regulatory impact statements) for major regulations. President Reagan directed agencies to develop regulations only if there was a clear need, the benefits outweighed the costs, and the least costly alternative was chosen. Most importantly, E.O. 12291 centralized review and clearance of regulatory actions in OIRA within OMB. Agencies had to respond to OMB comments and incorporate those comments and the agencies' responses in the rulemaking file before issuing a final regulation. For the first time, no regulations could be promulgated unless they were first approved by one central clearinghouse. President Reagan also issued Executive Order 12498 in March 1985, directing agencies to prepare a yearly agenda containing all contemplated regulatory actions for the coming year. Except for emergency situations, agencies were prohibited from taking any significant regulatory actions that had not been included in the agenda, unless those actions were cleared through by OMB. President Reagan's efforts proved successful, at least temporarily. By 1986, the number of new regulations being published in the Federal Register had been reduced to 44,812 pages.

President George Bush continued President Reagan's Executive Orders when he took office in 1989. Concerned about the continuing increase in the cost of regulations, however, he established the President's Council on Competitiveness in March 1989 to oversee regulatory issues. Chaired by Vice President Dan Quayle, the Council focused on reducing the cost of new and existing regulations. In January 1992, President Bush issued a 90 day moratorium on new regulations. During the moratorium, agencies were directed to identify existing regulations imposing unnecessary regulatory burdens and to develop programs to reduce or eliminate those burdens. The moratorium was later extended through the rest of President Bush's term in office.

On October 4, 1993, President Bill Clinton issued Executive Order 12866, revoking prior Executive Orders, but incorporating or restating some of the key provisions from those prior orders. Among other differences, E.O. 12866 permitted regulations if the benefits "justify" the costs, where prior Executive Orders required the benefits to "outweigh" the costs. President Clinton has continued President Bush's efforts to make the Vice President a central figure in the regulatory process.

The case for a broad regulatory moratorium is not difficult to make. Regulations have dramatically increased in complexity over

the recent past, and there are strong signs they will continue to grow.

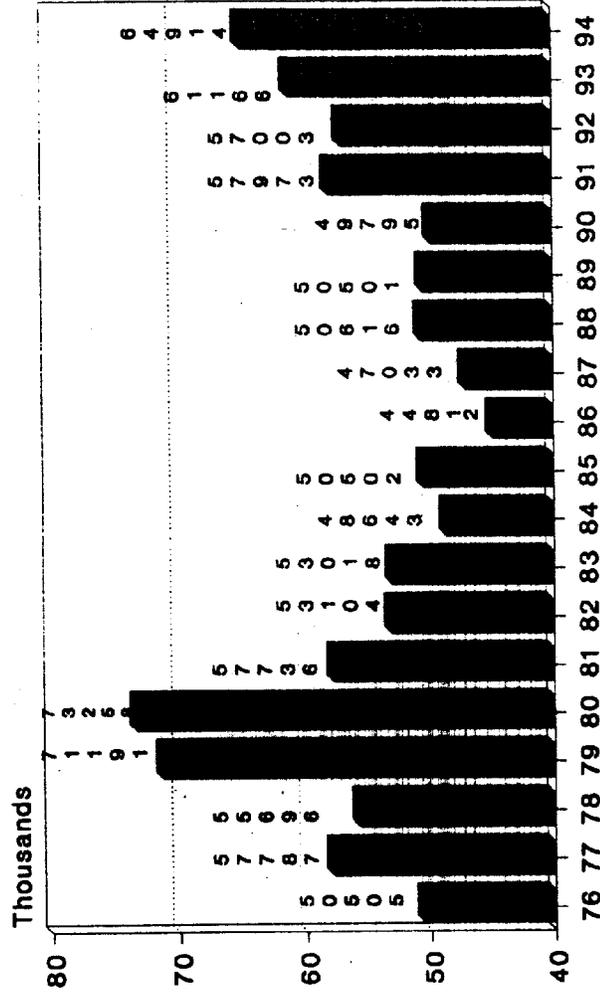
The crudest but most common way of measuring regulations is in terms of the number of pages they consume in the Federal Register—a daily government publication of all new Federal agency rulemaking. The Federal Register peaked in size in 1980, at the end of the Carter Administration, totalling 73,258 pages. By 1986, President Reagan had pared the size of the Federal Register down to a still-hefty 44,812 pages. Thereafter, it remained around 50,000 pages per year until it exceeded 60,000 during the first year of the Clinton Administration. In 1994, the Federal Register totalled 64,914 pages—a 45% increase over President Reagan's 1986 low. The bar graph below provides additional details.<sup>3</sup>

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<sup>3</sup>The figure and the information in this paragraph was obtained through the Office of the Federal Register by the U.S. Senate Republican Policy Committee.

# Federal Register

## Actual\* Pages Published



Source: Office of the Federal Register

\*Blank pages & corrections are excluded.

Regulations can also be measured by the costs they impose on the American people. The Clinton Administration has estimated that federal regulations cost the private sector alone "at least \$430 billion per year—9 percent of our gross domestic product."<sup>4</sup> Other conservative estimates put the private sector cost of regulation at over \$500 billion annually.<sup>5</sup> Regulations are costly to the federal government as well. Simply stated, regulations are a hidden tax on the American people that cost at least \$5,000 per household per year.<sup>6</sup>

As taxpayers, the American people have a right to ask whether they are getting their money's worth. Currently, too few regulations are subjected to stringent cost/benefit analysis or risk assessment based on sound science. Without such protections, regulations can have unintended results. The following examples are illustrative:

After five years of study and a 101-page report on the subject, the Consumer Product Safety Commission (CPSC) suggested that manufacturers build water buckets that deliberately leaked, so that infants falling in the buckets would face less risk of drowning.<sup>7</sup>

One construction firm in South Dakota wanted to bid on a post-office remodeling project. The owner received 34 pages of plans, 400 pages of building specs and a 100-page book of bidding instructions—and simply gave up.<sup>8</sup>

The CPSC is also now considering issuing a regulation to require child-resistant packaging to also be "senior-citizen friendly." Noting that this new dual standard is impossible to meet without compromising child safety, industry representatives have appealed to Congress for relief.

Without significant new controls, the number of regulations will only grow higher. In a recent Presidential publication, the Administration listed 4,300 additional rulemakings scheduled for fiscal year 1995 and beyond, with 872 final rules set to be released in the six months between October 1994 and April 1995.<sup>9</sup>

In light of the significant but largely unsuccessful efforts of the Executive branch to control the regulatory process, major substantive reform is now high on the agenda of the 104th Congress. In order to implement needed reform, however, it is important to temporarily put a "hold" on the promulgation of new regulations by passing The Regulatory Transition Act of 1995. There are at least two clear benefits to this Act. Most importantly, a moratorium will provide both the executive and the legislative branches (as well as the regulated public) with more time to focus on ways to fix current regulations and the regulatory system. Everyone involved in the regulatory process will be largely freed from the daily burden of having to review, consider and correct newly promulgated regula-

<sup>4</sup> Vice President Al Gore, "From Red Tape to Results: Creating a Government that Works Better & Costs Less," Report of the National Performance Review, September 7, 1993, p. 32.

<sup>5</sup> See, e.g., A Citizen's Guide to Regulation, The Heritage Foundation, at 1 (edited by S. Eckerly, September 1994).

<sup>6</sup> See, e.g., A Citizen's Guide to Regulation, The Heritage Foundation, at 1 (edited by S. Eckerly, September 1994).

<sup>7</sup> Chet Lunner, "Government Spends Five Years to Study Five-Gallon Buckets," Gannett News Service, May 11, 1994; Associated Press, "Design Changes Urged for Plastic Buckets," The Los Angeles Times, May 20, 1994.

<sup>8</sup> "Shutting Down the Regulatory Machine," U.S. News & World Report, February 13, 1995, p. 72.

<sup>9</sup> Regulatory Plan and Unified Agenda of Federal Regulations, November 14, 1994.

tions (which currently average over 200 pages every working day). Second, regulations like the ones illustrated above will be temporarily suspended and re-evaluated to ensure they can pass the new standards that will emerge with substantive regulatory reform.

### III. LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

As the 104th Congress came together, the idea for a moratorium on new regulations was first proposed as a Presidential Executive Order. On December 12, 1994, Republican leaders of the House and Senate asked President Clinton to voluntarily impose a moratorium on all federal rulemaking for the first 100 days of Congress (see letter in appendix). They asked the President to direct agencies to: (1) identify regulations in which the costs exceed the benefits; (2) recommend actions to eliminate unnecessary regulatory burdens; (3) recommend ways to give state, local and tribal governments more flexibility to meet federal mandates; and (4) share their information and analysis with Congress.

Two days later, the President responded (see letter in appendix). The Administration disputed Congress' belief that a moratorium was the best way to proceed with regulatory reform.

After being rebuffed by the President, Congressmen Thomas DeLay (R-TX) and David McIntosh (R-IN), along with 32 other co-sponsors, introduced the Regulatory Transition Act of 1995 on January 9, 1995.

#### *Subcommittee consideration*

On Thursday, January 19, 1995 at 9:40 a.m., the Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, of the Committee on Government Reform and Oversight, met pursuant to notice. The purpose of the hearing was to hear testimony on H.R. 450, the Regulatory Transition Act of 1995.

The Honorable Thomas Bliley (R-VA), Chairman of the House Commerce Committee, testified in support of H.R. 450. He stated that within the next few weeks, the Commerce Committee would begin work on H.R. 9, the "Wage Enhancement and Job Creation Act," which contains a number of regulatory reforms. He stated that while work was being performed on that bill, and because the Clinton Administration had not moved to eliminate unnecessary and burdensome regulations, he believed a moratorium—or a timeout—on regulations was necessary. However, he stated that a Congressionally-mandated moratorium, despite its shortcomings, could temporarily stop the flow of new regulations pending enactment of a broad range of regulatory reforms. He said the moratorium would give the authorizing committees an opportunity to review the regulatory agendas of agencies within their jurisdictions, and would ensure that as many regulations as possible were subject to reforms.

The Honorable Tom DeLay (R-TX), co-sponsor of the bill, stated that the bill was necessary because, in response to a request from the majority leadership of both houses in November 1994, the President had decided not to fashion a moratorium on regulations of his own. Congressman DeLay also cited several examples of regulations that were in the process of being promulgated but that he believed could be put off for several months while Congress acted on its regulatory reform bills.

The Honorable George W. Gekas (R-PA) testified in support of H.R. 450. He stated that he had introduced H.R. 46 which called for a two-year rather than a six-month moratorium on the enforcement of the Clear Air Act insofar as it deals with auto emissions. He said that a number of deadlines were to occur in the near future, and that it was apparent the deadlines could not be met without undue harm on the public itself. Therefore, a moratorium was appropriate. He stated that the EPA now was reviewing the auto emissions issue but that the existing deadlines made a longer moratorium necessary.

The Honorable Sally Katzen, Administrator, Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, testified in opposition to the bill. She said she believed regulations were not inherently good or bad, but rather had the potential to be either. She testified that excessive or poorly designed regulations can cause confusion and delay and generate unreasonably burdensome compliance costs. She also stated, however, that they can assure equal access to markets, limit pollution, and provide other benefits to society. She said she opposed H.R. 450 because it would stop good regulations as well as bad ones, and substitute an arbitrary administrative process for substantive improvements. She also raised a number of questions about the definitions and exemptions in the bill.

Mr. William Sandfer, a hemopump patient from Webster, Kentucky, testified that in January 1990, he had a pump implanted due to a heart attack. He said he had completely recovered and that without the pump he would not be alive today. He hoped the government would do something to make the pump more available and said that he believed other people could make use of it.

Dr. Ronald Barbie, Cardiovascular Surgeon, Advance Cardiovascular Institute, Louisville, Kentucky, testified that the hemopump that had been implanted in Mr. Sandfer serves as an assist device for his heart. Dr. Barbie stated that Mr. Sandfer had had the device installed in Phase I of the hemopump clinical trials, which lasted from 1988 to 1991. Currently, a Phase II clinical trial is ongoing. He stated that a significant number of heart attack victims could benefit from this device if it were widely available.

The Honorable James M. Strock, Secretary, California Environmental Protection Agency, testified that California Governor Pete Wilson's Administration supports the regulatory moratorium. He stated that H.R. 450 was particularly well drafted because it avoided two major pitfalls: It provided for an emergency exemption, and it would not limit efforts by agencies to reform their own regulations. He stated that the Wilson Administration had worked hard on regulatory reform and that it had recently proposed a state constitutional amendment that would, among other things, treat new regulatory costs in California like taxes (which require a two-thirds majority for passage), would allow for an emergency exemption, and would lead to regulatory budgeting and accountability at the legislative level, not merely at the regulatory level. Mr. Strock stated that, in the future, he hoped the Committee would consider the overall delegation of environmental programs to the States.

Mr. Thomas J. Donohue, President and Chief Executive Officer, American Trucking Associations, Inc., testified in support of H.R.

450. He believes that a moratorium on federal rules is necessary while setting up a system that would allow for cost/benefit analysis and risk assessment of regulations. He stated that, as an example, rules for pre-employment and random alcohol testing of truck drivers would cost the trucking industry \$250,000,000 in one year, even though in a random test only .2% of truck drivers failed a .02% alcohol standard. In addition, he cited as another example of undue and burdensome regulations to which the moratorium is properly directed as the Occupational Safety and Health Administration's (OSHA's) upcoming ergonomics proposal. He said this rule might well require that trucks be steered in a different way or might prevent workers from lifting more than 25 pounds. He said that the rules appeared not to be cost effective.

Mr. Vernon Garner, President of Garner Trucking, Inc., Findlay, Ohio, testified in support of a moratorium on federal regulations so that Congress could take a look at what existing laws and regulations have done to businesses like himself. He cited numerous examples of federal regulations that cost his business thousands of dollars, especially those imposed under authority of the Clean Air Act. Under another regulatory program he was forced to spend \$126,000 to destroy nine tanks that were not leaking.

Mr. John Motley, Vice President of Federal Governmental Relations for the National Federation of Independent Business (NFIB), testified that the estimated cost of government regulation to the American economy was over one trillion dollars (\$1,000,000,000,000) a year. He stated that small business owners bore a much heavier burden in society in complying with government regulations because regulation is a "thick" cost of doing business. He said that NFIB strongly supports H.R. 450 and in fact would like to see the moratorium period in effect for an even longer time. He compared the moratorium to a tourniquet which would stop the bleeding of increased costs imposed on the business community. He said the bill also would send a strong signal to business owners that Congress was serious about dealing with the problems of overregulation. He said NFIB supported regulatory reform in three tiers: (1) a moratorium on new regulations, (2) systemic reform such as risk assessment, judicial review and sunseting rules, and (3) a review of current laws and regulations that may be causing problems.

Mr. Sal Risalvato, owner of Riverdale Texaco, Riverdale, New Jersey, testified that government regulation had cost him and his business thousands of dollars. He said he had spent \$95,000 making adjustments to new tanks in order to comply with environmental regulations. He also said federal regulators were trying to force New Jersey to perform new emissions inspections that would cause him to purchase equipment costing from \$35,000 to \$100,000. He said he believed the six month moratorium period would allow the Committee to look at regulatory reforms, and that he believed a longer moratorium was needed.

Mr. Hershel Wright, Vice President, Inventive Products, Inc., Decatur, Illinois, testified that he was being forced to spend hundreds of thousands of dollars doing studies, some of which federal regulators had requested and then ignored. Mr. Grant A. Wright, President, Inventive Products, Inc., Decatur, Illinois, testified about that

the burdensome requirements applicable to new medical products and devices. He stated that although he believed some regulation is needed, businesses have become overburdened. He said that the regulations stifle innovation, raise costs for consumers, and force technology to be taken overseas.

Mr. Jim Miller, Counsellor, Citizens for a Sound Economy, testified in favor of H.R. 450. He said Americans face an estimated regulatory burden of \$500 billion annually just for federal regulations, and that excessive paperwork in burdensome regulations can stunt economic growth and hamper the global competitiveness of the U.S. economy. He stated that President Clinton's Executive Order 12886 was too inexact and allowed regulators too much discretion to promulgate new regulations that were ill-conceived. He said a regulatory moratorium would provide Congress the time necessary to enact new tools for regulatory review while giving agencies time to review existing regulatory burdens and identify excessively burdensome regulations. He said that the Administration's "regulatory plan and unified agenda of federal regulations," issued November 14, 1994, identifies more than 4,300 rulemakings within federal agencies. During a moratorium it would be possible to identify specific regulations that entail substantial costs and provide minimal benefits. He also agreed that there should be provisions for the legal review of the process.

Mr. C. Boyden Gray, Partner, Wilmer Cutler & Pickering, and Chairman of Citizens for a Sound Economy, testified in support of H.R. 450 and of a timeout on regulations. He stated that in 1981 and again in 1992, a timeout on issuing regulations had permitted the White House to tell the agencies to review the regulations being promulgated. He also stated that a regulatory moratorium did not cause increased costs and he was not aware of any great public health or safety difficulties arising out of either of those freezes. He stated that, in particular, the EPA's Federal Implementation Plan (FIP) for California cars was particularly burdensome.

Ms. Margaret Seminario, Director, Department of Occupational Safety and Health, AFL-CIO, testified in opposition to H.R. 450. She stated that the bill was far-reaching and would impose an unnecessary strain on the federal regulatory process. She said that it would end up delaying all rulemaking activity in many important areas, such as the Occupational Safety and Health Administration's ongoing efforts to issue ergonomics standards. She stated that the regulatory process did not work well for anyone, either for workers or for business, in terms of a process, but that it was important to look at how H.R. 450 would potentially impede the protection of working people.

Mr. Bill Mattos, President of California Poultry Industry Federation, testified about recent U.S. Department of Agriculture proposed regulations to address precisely which poultry products may be labelled "fresh" and which must be labelled as "frozen." He stated that H.R. 450 would have a negative impact on his members because it might delay effectiveness of that regulation. He indicated that poultry producers outside the state of California would benefit from a delay, because they would not have to comply with the regulation.

Mr. David G. Hawkins, Senior Attorney with The Natural Resources Defense Council, testified in opposition to H.R. 450. He stated that a moratorium on regulations is incompatible with reasoned analysis of decisions. He said it would catch both good rules and bad ones, and potentially would impose costs on business because of increased uncertainty. He stated that litigation might well result from the moratorium. He said that the California FIP, which was a product of litigation, was a good example of why litigation should be avoided. He noted that the bill would stop not only the issuance of final rules and advance notices of proposed rulemaking but also any other action taken in the process of rulemaking, except a cost/benefit analysis or risk assessment. He said he believed the case had not been made that the scheduled rules proposed such a risk to society that they justified a moratorium bill. He cited several examples of regulatory programs that would be delayed by H.R. 450.

On Thursday, February 2, 1995, at 8:30 a.m., and pursuant to notice, the Subcommittee met at the Fairfax County, Virginia, Government Center to hear additional testimony on H.R. 450, the Regulatory Transition Act of 1995.

Mr. Bill McGillicuddy, a small businessman with AutoCare, Inc. in Northern Virginia, testified in favor of the moratorium in H.R. 450. He stated that he was in the automobile repair business and a licensed emissions inspection operator affected by the rules of EPA. He said that, pursuant to the 1990 Clean Air Act Amendments, the EPA had failed to issue guidance on motor vehicle emissions inspection programs, which the Amendments required EPA to issue by November 1991.

Instead, the Agency was more than one year late and then issued a set of binding rules mandating an emissions inspection system known as I/M 240. It requires equipment solely manufactured in Japan and costing \$150,000 to \$300,000 per test lane. He said EPA has refused to consider alternative tests which could be used at 1/10th the cost and also employ American-made equipment. He also said that he believed the EPA's action were contrary to the 1990 Clean Air Act amendments which required states to be given maximum flexibility in designing their own clean air programs. He said that the EPA-mandated program was very inconvenient to consumers, although that factor had not been considered when EPA made its decision. Finally, he said he did not trust recent pronouncements by the EPA that it now would allow flexibility in the program; instead, he believed EPA merely was trying to wait out actions by this Committee and by others so that it could implement its own program.

Mr. Ron Harrell, a Mobil Oil Co. dealer in Fairfax County, Virginia, stated that he had been in the emissions inspection program since its inception in 1981. He said that the decentralized emissions test and repair program in Virginia was a good one and worked well. He stated that, in working with Congressman Moran, he had helped propose alternatives to the EPA's centralized testing requirements, but that the EPA had rejected them out of hand. He said that all he and others wanted was some flexibility from the EPA to put in a plan that made sense, but that in three years, they had had virtually no cooperation from EPA.

Mr. Dennis Dwyer, of Potomac Mills Exxon in Virginia, also testified in opposition to the EPA's proposed I/M 240 centralized emissions test for Northern Virginia, which he termed a "quintessential U.S. EPA boondoggle." He stated that EPA never had trusted Virginia's decentralized program, believing that it did not fail enough cars. He said that the EPA never offered to work with Virginia or its emissions testers to determine the truth of their beliefs. In fact, he said that affluent Northern Virginia has newer cars, better mechanics, and better tools than is typical throughout the country, and that accounted for the different failure rate. At every turn, he testified, EPA rejected evidence that did not lead to the conclusion about decentralized testing that it already had adopted.

Mr. Dwyer said that he did not trust the EPA studies. He said that, before the Virginia General Assembly, EPA had accused people in the emissions testing industry of being dishonest on 85% of their testing, which was incorrect. He also said that EPA's I/M 240 program was a bad idea in that it was too expensive, took up too much space, and was not reliable. Finally, he stated that the EPA's program clearly would cost the region jobs.

The Honorable Becky Norton Dunlop, Secretary of Natural Resources for the Commonwealth of Virginia, testified in support of H.R. 450. She stated that the bill was the first step towards addressing regulatory regimes that were devised for the benefit of those who govern rather than to encourage and promote sound environmental stewardship among the citizens. She said that an example of the regulatory programs that needed to be reviewed were those promulgated by EPA under the 1990 Clean Air Act Amendments. She cited particular examples within the regulations where costs and benefits are not well balanced and where congressional intervention was the only method of solving the problems created by EPA. These areas included ozone standards, automobile emissions, permits under Title V, and enforcement under Title VII.

Ms. Dunlop also cited numerous ways in which the EPA had overreached its authority in attempting to force States to do as the EPA had directed. She said that Virginia has filed suit against the EPA, arguing that EPA's actions under the Clean Air Act Amendments of 1990 violate the Tenth Amendment to the United States Constitution. She further stated that EPA had not followed up on its previous offer of being more flexible with respect to its requirement for a centralized testing program. Finally, she spoke in favor of remote-sensing as a method of testing vehicle emissions, and argued that this method and technology was both promising and consumer-friendly.

The Honorable Robert E. Martinez, Secretary of Transportation of the Commonwealth of Virginia, testified in particular about the regulations promulgated under the Clean Air Act Amendments of 1990. He said that the law had introduced a new area of federal control and coercion, and that the EPA had been delinquent in publishing implementing regulations which, when they finally were published, allowed no flexibility or opportunity for innovation by the States. He said that the lack of flexibility and EPA's unwillingness to consider new concepts was imposing economic hardships on the Commonwealth. In particular, the conformity provisions and EPA's implementation of them might cost the State its federal

transportation funds in various areas, and were severely disrupting Virginia's ability to plan and proceed with infrastructure improvements.

The Honorable Robert Dix, Acting Chairman of the Fairfax County Virginia Board of Supervisors, and vice chairman of the air quality committee for the National Association of Counties testified that the air quality data used for the 1990 Clean Air Act Amendments was skewed because it was based on 1988. In that year, the Washington area had a very hot summer, which thus influenced the number of days in which the air quality exceeded standards. He also noted that only 36% of the total emissions inventory in the region is related to mobile sources, and that much of that amount is not commute-related.

Mr. Dix said that he particularly supported measures utilizing advances in technology and incentive-based programs as solutions to clean air problems. He said such programs do not result in unnecessary costs and cause the least confusion or inconvenience for those who must comply with them. Instead of promoting those programs, he said the EPA had been "rigid, inflexible, and dictatorial" in taking its positions and refusing to cooperate with those affected by its rules. He particularly recommended that, in addition to a moratorium, cost/benefit analysis be required for any regulatory program that seeks to impose requirements on state and local governments.

Ms. Lorraine Lavet, representing the Fairfax County Chamber of Commerce, testified in support of H.R. 450. She said that a timeout on federal regulatory activity was important so that the need for additional federal regulations could be examined. She said that federal regulations were particularly burdensome on small businesses, and that the cost of regulatory compliance for small businesses is almost three times that for a large business. She said that although many regulations have desirable societal goals, they cumulatively were having a detrimental impact on business. In addition, the regulations are simply too difficult for small businesses to understand.

In addition to H.R. 450, Ms. Lavet said that action on unfunded mandates legislation, the Paperwork Reduction Act, and enhancements of the Regulatory Flexibility Act were necessary. She also said that requiring risk assessment and truth in regulation were important parts of regulatory reform.

Ms. Sheryll Crosby, of the Shortness of Breath Club of the American Lung Association, testified in opposition to H.R. 450. She said that Virginia needed a stronger inspection and maintenance plan for vehicles, not a weaker one. She stated that efforts to stimulate economic growth or save the State and federal governments money by relaxing or placing a moratorium on regulation should not take precedence over efforts to obtain clean air.

Mr. Stanley L. Laskowski, Deputy Regional Administrator, Region III, U.S. Environmental Protection Agency, submitted as his testimony on H.R. 450 the same statement delivered by Sally Katzen, Administrator of OIRA, at the January 19, 1995 hearing, which opposed enactment of H.R. 450. He stated that H.R. 450 would raise legal issues and numerous questions about what actions are covered, and would divert officials who otherwise could

spend their time working on substantive solutions in the regulatory system.

With regard to the Clear Air Act, Mr. Laskowski said that EPA recognized the need to work in partnership with the States and that its recent decision to allow flexibility in developing enhanced vehicle inspection and maintenance programs worked toward that end. He said that, in its actions, the EPA was attempting to meet the public health goals stated in the Clean Air Act, while also meeting the deadlines in that Act and trying to be flexible when it could in reaching those goals. He said that EPA still believes an enhanced inspection and maintenance program for vehicles was one of the most cost-effective and efficient ways for states to improve their air quality. Mr. Laskowski also agreed to supply Virginia with specific guidance needed to develop their proposal.

The Honorable Ellen M. Bozman, Chair, Metropolitan Washington Air Quality Committee, and a member of Arlington County Virginia Board, testified in opposition to H.R. 450. She said that the H.R. 450 moratorium was not appropriate for all possible situations, and that regulatory relief already was coming from EPA. She stated that the Air Quality Committee and the National Capital Region Transportation Planning Board had approved air quality and transportation plans that would reduce emissions of ozone forming compounds. She also stated that the EPA recently released a draft interim final rule concerning conformity regulations that would grant a two-year extension of the conformity sanctions. Therefore, if the moratorium applied to those rules, H.R. 450 might take away the two-year extension and give back only a six-month extension of the conformity regulations.

On February 8, 1995, the Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs marked up and reported the bill, as amended, on a roll call vote of 10 Ayes and 4 Nays. An amendment in the nature of a substitute was reported. Section 4 and 7 of H.R. 450 were determined by the Parliamentarian not be within the Committee's jurisdiction. In addition, a number of amendments were offered, debated and voted upon, including: an amendment offered by Chairman McIntosh to exempt streamlining internal revenue laws from the moratorium (which passed by a voice vote), an amendment offered by Chairman McIntosh to exempt from the moratorium those regulations that increase consumer choice by permitting the introduction of new substances and products (which passed by a voice vote), an amendment offered by Chairman McIntosh to move the authority to certify exclusions and exceptions from the agency head to the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget (which passed by a voice vote), and an amendment by Mr. Ehrlich to advance the ending date of the moratorium if substantive regulatory reforms were enacted (which passed on a roll call vote).

#### *Committee consideration*

On February 10 and 13, 1995, the full Committee marked up and reported the bill, as amended, on a roll call vote of 28 Ayes and 13 Nays. In full Committee mark up, an amendment in the nature of a substitute was reported.

Following the Committee mark up, additional materials were submitted by Messrs. Mica and Condit, and have been appended to the transcript of the mark up, which is available for review in the offices of the full Committee during normal business hours.

#### IV. SECTION-BY-SECTION ANALYSIS

##### *Section 1—Short title*

The name of the Act is the “Regulatory Transition Act of 1995.”

##### *Section 2—Finding*

The purpose of the legislation is to promote effective measures for greater efficiency and proper management in government operations. These efforts include the steps being taken by Congress to enact (A) requirements for cost/benefit analysis, including analysis of costs resulting from a loss of property rights, and (B) requirements for standardized risk analysis and risk assessment that use the best scientific and economic procedures, in the case of those federal regulations which are subject to risk analysis and risk assessment.

##### *Section 3—Moratorium on regulations*

Section 3(a) establishes a moratorium on federal agency rulemaking actions that are not otherwise excepted or excluded under other provisions of the Act. Because the moratorium begins November 20, 1994 and ends December 31, 1995, the operative provisions of this subsection first direct that any federal agency may not take any regulatory rulemaking action beginning on the date of the enactment of the Act.

Because some time will have elapsed from November 20, 1994 until the enactment of the legislation, the Act also provides that, beginning on the thirtieth day following enactment, any regulatory rulemaking action that was taken or made effective between November 20, 1994 and the date of enactment shall be suspended until the end of the moratorium period. Both the moratorium on future federal rulemaking actions and the suspension of rulemaking actions already taken apply only to rulemaking actions that have not been excluded or excepted under other provisions of the Act.

The thirty-day delay for the suspension of recent rulemaking actions is intended to permit federal agencies and the OIRA Administrator time to identify those rulemaking actions that qualify for an exception or exclusion.

The moratorium is intended to cover those regulatory rulemaking actions that are within the constitutional purview of this Congress. The Committee is aware that many rulemaking actions are appropriate and necessary for carrying out regulatory reform, are streamlining efforts already underway, are in response to imminent threats to health or safety or other form of emergency, or are otherwise appropriate to exclude from the moratorium, given the goals and objectives of this legislation in the context of larger regulatory reform efforts of which it is a part. Thus, this subsection refers to section 5 of the Act, which sets forth certain exceptions to the moratorium.

Section 3(b) requires the President to provide an inventory, which shall be published in the Federal Register, of the regulatory rulemaking actions that are covered by the moratorium and that were taken or made effective from the first day of the moratorium period, November 20, 1994, through the date of enactment. This requirement is intended to ensure that the public, the Congress, and agency officials have notice of those regulatory rulemaking actions that are suspended by the moratorium.

*Section 4—Special rules regarding certain deadlines*

Section 4(a) extends certain statutory deadlines, as well as certain deadlines established by courts and regulation. Any deadline that is covered by the Act would be extended for either five months or until the end of the moratorium period, whichever is longer. In the case of deadlines that would expire during the moratorium period, even with a five-month extension, or which have already expired and with which agencies or others have not complied, those deadlines would be extended until the end of the moratorium period. This section covers any deadline for, relating to, or involving any action dependent upon a regulatory rulemaking action authorized or required by statute or court-order and that is authorized or required to be taken before the end of the moratorium period.

Section 4(b) defines the term “deadline” to mean any date certain for fulfilling any obligation or exercising any authority established by or under any statute or regulation, or by or under any court order implementing any federal statute or regulation. A date would be a date certain if it were specified in or could be readily calculated on the basis of a statute, regulation, or court order. A deadline would be covered if it is within the constitutional purview of this Congress. The court order directing EPA to issue a Federal Implementation Plan for California would be an example of a court order deadline extended by this Act.

The committee is responding to both legal and practical concerns in this section. First, this section extends by power of law those deadlines that cannot be met because of the moratorium. Second, there are situations, such as under the Clean Air Act, in which statutory deadlines are prescribed for compliance and certain rulemaking actions are necessary preconditions for compliance with those deadlines. The failure to provide for an extension of those deadlines would, without this section, subject agencies, state officials, businesses, and the public to a severely compressed period in which to comply with the law. This section is intended to relieve that time compression. Thus, it is clear that not all deadlines are extended, only those deadlines that are directly or indirectly related to a rulemaking action affected by the moratorium within these categories.

Section 4(c) contains a provision under which the President will identify the list of covered deadlines and will publish that list in the Federal Register within 30 days after the date of enactment of this Act.

*Section 5—Emergency exceptions; exclusions*

Section 5(a) provides for certain exceptions to the moratorium imposed by section 3, and the deadline extension under section 4.

In particular, section 5 allows an exception for regulations that are necessary because of an imminent threat to health or safety or other emergency, or for the enforcement of criminal laws. The moratorium on rulemaking actions and the postponement of related deadlines are waived under the provisions of this section.

The OIRA Administrator could except any specific regulatory rulemaking action upon a written request by an agency head. The administrator would need only to find in writing that a waiver for the action is: (A) necessary because of an imminent threat to health or safety or other emergency, or (B) necessary for the enforcement of criminal laws. The finding and waiver must then be published in the Federal Register by the agency head.

The primary purpose of this exception is to ensure that the Act does not impede the promulgation of regulations that are necessary to address imminent threats to health or safety. This Committee intends the OIRA Administrator to exercise reasoned discretion in making this certification, guided by this Committee's concern for the protection of the health and safety of the public.

In addition to the emergency exception authority, Section 5(b) requires that rulemaking actions excluded from the moratorium under section 6(3)(B) must be published in the Federal Register by the agency head.

#### *Section 6—Definitions*

Section 6 contains the definitions of certain terms used in the Act.

Section 6(1) defines "Federal agency" in the same manner as that term is defined in the Administrative Procedures Act, 5 U.S.C. § 551(1).

Section 6(2) defines "moratorium period" as the period of time beginning November 20, 1994, and ending on December 31, 1995, or the date on which certain regulatory reform proposals are enacted, whichever occurs first.

Section 6(3) defines "regulatory rulemaking action" by stating the general rule in subsection (A) and exclusions to the rule in subsection (B).

Subsection 6(3)(A) defines "regulatory rulemaking action" as any rulemaking action normally published in the Federal Register, including any action taken in the process of developing such rules. Cost/benefit analysis and risk assessment actions are excluded from the definition. This would also include activity necessary for conducting a cost/benefit analysis or risk assessment on regulations already proposed (or already promulgated). Obviously, such an analysis or assessment would not be conducted where a regulation has not yet been issued or proposed, nor could the allowance of such activity be considered as a means to permit new proposed rulemaking to be issued.

Section 6(3)(B) identifies the various rulemakings that would be excluded. These exclusions cover the following rulemaking actions:

- (1) those repealing, narrowing or streamlining a rule regulation or administrative process or otherwise reducing regulatory burdens;
- (2) those regarding military or foreign affairs function;

(3) those relating to any statute implementing an international trade agreement;

(4) those relating to agency management, personnel or public property, loans, grants, benefits, or contracts;

(5) those limited to a routine administrative function of the agency;

(6) those taken by an agency that supervises and regulates financial institutions; and,

(7) those taken to interpret, implement, or administer the internal revenue laws of the United States.

In each case above, a specified executive official is responsible for certifying in writing that the action qualifies for the exclusion. The head of the agency is also responsible for publishing the certification in the Federal Register. In the case of items 1 through 5 above, the exclusion applies only if both the head of the agency seeking to take the action and the OIRA Administrator certify in writing that the regulation is limited to the described exclusion. In the case of item 6 above, the exclusion applies only if the head of the agency certifies that the action qualifies for one of the other exclusions or for an exception under section 5 of the Act. In the case of item 7 above, the exclusion applies only if the head of the agency certifies that the action is limited to interpreting, implementing, or administering the internal revenue laws of the United States.

In creating the streamlining exclusion under section 6(3)(B)(i) (item (1) above), the Committee notes that there are a number of ways a rule can be determined to be streamlining. Some rules, such as a pending decision to lower bank deposit insurance premium rates by the Federal Deposit Insurance Corporation, can be deemed less burdensome on their face. Other rules can be excluded from the moratorium if they reduce regulatory burdens by providing more cost-effective methods for achieving the requirements of a law. Rules that implement market-based solutions or that provide alternate systems for compliance would also be among those that should qualify for this exclusion. Such an example would be regulatory changes currently being considered by the Environmental Protection Agency to its final reformulated gasoline rules. In addition, regulations promulgated under the authority of statutes that serve to streamline an agency function should also fall within this exclusion. An example of a rule which meets these latter criteria is the rule establishing procedures for the Opt-In program for Combustion Sources under section 410 of the Clean Air Act. The opt-in program allows the sale of excess sulfur dioxide emission allowances resulting from voluntary emission reductions to sources which have sulfur dioxide compliance obligations under Title IV of the Act. Another example of a rulemaking covered by this exclusion would be those regulations promulgated pursuant to the Federal Acquisition Streamlining Act of 1994 (P.L. 103-355).

Section 6(3)(B)(i)'s exclusion for streamlining regulations should be broadly interpreted to include those agency actions required to determine whether a regulation is, in fact, streamlining in nature. For example, the Department of Transportation is currently considering whether alternative standards to the existing HM-181 standards are appropriate for open-head fibre drums used for the transportation of liquids. If the Department of Transportation deter-

mines that such alternative standards are appropriate, that decision could result in eliminating an unnecessary regulatory burden on the fibre-drum industry. Obviously, the Department should be permitted to not only promulgate such regulations (if appropriate), but also to take preliminary actions necessary to determine whether the alternative standards are appropriate. Similarly, the Bureau of Alcohol, Tobacco and Firearms is about to issue final regulations governing trade practices under the Federal Alcohol Administration Act of 1935 (27 U.S.C. §201 et seq.) that could simplify alcohol promotional practices. If so, these regulations could be excluded from the moratorium under this provision. The Committee is also aware that the EPA is scheduled to promulgate a final rule in August 1995 clarifying the liability of secured creditors under the EPA's underground storage tank regulations. Such a rule is likely to reduce regulatory burdens in this area and could be excluded from the moratorium on this basis.

The Committee intends the exclusion under section 6(3)(B)(ii) for regulations relating to international trade agreements to be a narrow one. The purpose of this exclusion is to provide the Executive branch the flexibility needed to promulgate appropriate regulations in order to carry out international trade agreements such as the North American Free Trade Agreement and the Uruguay Round Agreements of the General Agreement on Tariffs and Trade. Merely because a provision was physically included in legislation implementing a trade agreement does not necessarily mean that the provision itself implements that trade agreement or that the Administration would have the authority under this Act to take a rule-making action relating to that provision during the moratorium period. The test this Committee intends the Administration to use is one that focuses on whether the regulation is specifically required to implement a trade agreement. Indeed, this Committee shares the concerns expressed by the Ways and Means Committee in a February 13, 1995 letter from Chairman Archer to Chairman Clinger, in which Chairman Archer explained, "it is my understanding that this exception is intended to permit the Administration to conduct only those limited rulemaking actions that are directly related to implementing trade agreements. \* \* \* I expect that the Administration will strictly construe whether a proposed rulemaking action is required to implement international trade agreements."

Section 6(3)(B)(iii)'s exclusion for routine administrative functions is intended by the Committee to be a narrow exception for regulations that are purely routine administrative in nature. This category of exclusion was initially created out of bipartisan concern that such obvious regulatory necessities as the authorization of daylight savings time (which is contained in 49 C.F.R. Part 71.2) should not be included in the moratorium.

Section 6(4) defines "rule" as the whole or part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy. Having affirmatively stated the meaning of "rule," this subsection clarifies the meaning by listing a variety of agency actions that do not constitute a "rule." Because such actions (or non-rules) are outside of the definition of "rule," they are likewise outside the scope of the

moratorium and do not need to be certified as an exclusion or exception in order for the action to occur.

One of the general principles underlying this list of non-rules is a concern that the free market be allowed to operate without additional interference from government. Thus, agency actions that must be taken in order for new technology, products, or services to be made available to the public are not intended to be stopped by the moratorium. For example, the Act does not prohibit the Federal Communications Commission from issuing rules to establish and govern the introduction of a new communications service, including those that involve changes in the use of the radio spectrum. Nor does the Act prohibit the Food and Drug Administration from issuing pre-market approvals for pharmaceuticals, medical devices, and food additives.

The Committee also intends the list of non-rules to include the expansion, contraction, or limitation of authority to harvest Federal fishery resources as recommended by a Regional Fishery Management Council or the Atlantic States Marine Fishery Commission. Moreover, amendments to existing regulations promulgated by the USDA Agricultural Marketing Service relating to self-help or industry marketing initiatives designed to improve the agricultural marketing sector's ability to distribute agricultural commodities were not intended to be included in the meaning of the term "rule."

The Committee understands that there could well be overlapping bases for exclusions from the moratorium. In particular, section 6(4) removes from the definition of "rule" agency actions that tend to ease regulatory burdens. Such regulations could also be excluded from the moratorium by section 6(3)(B)(i)'s exclusion for streamlining regulations. Such an example are the U.S. Fish and Wildlife Service regulations that have been proposed that relieve burdens currently in place on landowners and timber producers in connection with section 4(d) of the Endangered Species Act.

Section 6(4) contains a narrowly drawn exception to the moratorium to provide for actions taken in connection with the implementation of monetary policy or actions taken to ensure the safety and soundness of federally insured depository institutions, affiliates of such institutions, credit unions, or government sponsored housing enterprises or to protect the deposit insurance funds. Safety and soundness regulations are designed to supervise conduct contrary to accepted standards of banking operations which might result in abnormal risk or loss to banking institutions or shareholders. The moratorium will in no way affect such safety or soundness regulations. Moreover, as explained above, the moratorium does not prevent the Federal Deposit Insurance Corporation from proposing and subsequently adopting a revised rule to reduce the deposit insurance premiums paid by banks. In providing this exception, the Committee also wants to make clear that any regulations relating to the Community Reinvestment Act, the Truth in Lending Act or any other consumer law are not to be considered matters of safety or soundness and are not covered by this limited exclusion in any manner.

For purposes of section 6(4) and section 6(3)(B)(iv), the term "government sponsored housing enterprise" has the same meaning as the word "enterprise" as that word is defined in section 1303(6)

of the Housing and Community Development Act of 1992. It is the Committee's understanding and intent that the following agencies, and no others, would be covered by section 6(4) and section 6(3)(B)(iv): the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Administration, and the Office of Federal Housing Enterprise Oversight.

Section 6(5) defines "rulemaking" as an agency process for formulating, amending or repealing a rule.

Section 6(6) defines "license" as an agency permit, certificate, approval, registration, charter, membership, statutory exemption, or other form of permission.

Section 6(7) defines "imminent threat to health or safety" to mean the existence of a condition, circumstance, or practice reasonably expected to cause death, serious illness, or severe injury to humans, or substantial endangerment to private property, during the moratorium period. In setting forward this definition, the Committee has not elevated protections of private property above human health or safety, or even attempted to equate endangerment to private property with death, illness or injury to humans. Rather, it seeks to protect both human health and safety and private property according to appropriately separate and distinct standards. It is the Committee's understanding that the moratorium should not prevent the promulgation of rules and regulations that are necessary to make food safe from E. coli bacteria, so long as there are no accompanying extraneous requirements or arbitrary rules (i.e., the Committee reserves judgment on regulations that allow radiation of meat without requiring labelling to disclose that fact to the consumer).

The inclusion of the word "imminent" is not intended to pose an insurmountable obstacle to the certification of health or safety regulations. Rather it is intended to guard against the undisciplined use of this exception as a means to evade Congress' intent. For example, this Committee does not intend this exception to include OSHA's regulations prescribing ergonomic protection standards which require employers to build new work environments to prevent disorders associated with repetitive motions. Such regulations would not be excepted from the moratorium under section 5(a) because they do not address a threat that is imminent.

#### *Section 7—Limitation on civil actions*

This section makes it clear that the Act does not grant any new private right of action. However, this section does not affect any private right of action (for a violation of this Act or any other law) if that right of action is otherwise available under any other law (such as the Administrative Procedure Act provisions of title 5, United States Code).

#### *Section 8—Relationship to other law*

Section 8(a) states that the Act supersedes other law, and is effective notwithstanding any other provision of law.

Section 8(b) makes each provision of the Act severable from each other provision. If a court holds any provision of the Act to be invalid, or holds invalid the application of any particular provision of

the Act in any particular or general circumstance, only the specific provision at issue shall be affected. The remainder of the Act, and its application in all other circumstances, shall remain in full force and effect.

#### V. COMMITTEE IMPACT STATEMENT

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office, pursuant to section 403 of the Congressional Budget Act of 1974.

#### VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATES

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, February 16, 1995.*

Hon. WILLIAM F. CLINGER, Jr.,  
*Chairman, Committee on Government Reform and Oversight, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 450, the Regulatory Transition Act of 1995, as ordered reported by the House Committee on Government Reform and Oversight on February 13, 1995. We estimate that enacting the bill would result in changes in discretionary administrative and other costs to the Federal Government, but that the net changes would not be significant. In addition, enacting H.R. 450 could affect direct spending; but the consequences of the bill are not sufficiently clear for CBO to be able to determine whether there would be such effects or how much they would be. Because the bill could affect direct spending, pay-as-you-go procedures would apply.

Bill purpose: H.R. 450 would prevent Federal agencies from taking most regulatory rulemaking actions from the date of enactment of the bill until December 31, 1995. In addition, beginning 30 days after enactment, most rules issued during the period from November 20, 1994, to the date of enactment would be suspended until December 31, 1995. Deadlines relating to such suspended rules would be extended for five months or until December 31, 1995, whichever is later. These provisions could be waived if the Office of Information and Regulatory Affairs within the Office of Management and Budget finds that the regulatory action involves an imminent emergency or the enforcement of criminal laws. Certain regulatory rules would be exempt from H.R. 450, including those relating to the internal revenue laws of the United States.

Impact on discretionary spending: Agencies would incur some additional costs to determine which of their existing rules should be suspended and to resolve issues that result from extending the deadlines. Agencies also would have to determine which proposed new rules would meet the exemptions of the bill and could therefore be implemented. These tasks, and others relating to H.R. 450, are not done under current law; however, agencies would save resources that would otherwise be used to write new regulations. CBO estimates that any net administrative costs from enacting the bill would not be significant.

Impact on direct spending: The impact of the rulemaking moratorium on direct spending and receipts is uncertain both in mag-

nitude and direction. It could affect the issuance of regulations governing the payment rates for some Federal benefit programs, like Medicare or Medicaid. Alternatively, the exclusion in section 6(3)(B)(ii) could be interpreted to mean that regulations specifying changes in such benefit programs would not be affected by the moratorium. Moreover, because H.R. 450 does not change the laws underlying entitlement benefits, the rights of individuals to benefits specified in law should not be affected. However, implementation of the law often depends on Federal Register notices and regulations that indicate how the law is to be implemented. A delay in publishing regulations might well lead to litigation because of differing interpretations of the law.

The assessment of direct spending is further complicated by the fact that many agencies have alternatives to the Federal Register for communicating instructions or procedures. The Health Care Financing Administration (HCFA), for example, can issue instructions on reimbursement rates and procedures directly to carriers and intermediates, the entities that process bills from health care providers. The Department of Education frequently indicates changes in procedures through letters to schools, lenders, and guaranty agencies. The rulemaking moratorium under H.R. 450 could induce agencies to rely more heavily on these forms of issuing guidance.

CBO does not have sufficient information at this time to estimate the direct spending effects, if any, of the bill.

Impact on State and local governments: Enacting H.R. 450 would not affect any routine, ongoing payments to State and local governments, but the bill could affect Federal payments that are subject to rulemaking during the period covered by the bill. It is possible that some regulatory actions that would otherwise provide relief to State and local governments could be delayed or precluded, thereby increasing their costs for various activities. CBO has no basis for predicting the direction, magnitude, or timing of such impacts.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Mark Grabowicz and Paul Cullinan.

Sincerely,

JAMES L. BLUM  
(For Robert D. Reischauer, Director).

#### VII. INFLATIONARY IMPACT STATEMENT

The Committee estimates that H.R. 450 will have no significant inflationary impact on prices and costs in the national economy. (This section of the report is included pursuant to clause 2(l)(4) of the House of Representatives Rule XI.)

#### VIII. OVERSIGHT FINDINGS

Findings and recommendations by the Committee on Government Reform and Oversight are incorporated into the descriptive portions of this report. (This section of the report is included pursuant to clause 2(l)(3)(D) of the House of Representatives Rule XI.)

IX. ROLL CALL VOTES

In compliance with clause 2(l)(2)(B) of the House of Representatives Rule XI, the record of roll call votes with respect to H.R. 450 is appended in this report.

AMENDMENTS TO H.R. 450

McIntosh, Peterson, Condit Substitute: Considered under unanimous consent request as the original test.  
 Slaughter/Collins: Section 5; failed by roll call.  
 Maloney: Section 5; failed by roll call.  
 Wise: Section 5; failed by roll call.  
 Waxman: Section 6; failed by roll call.  
 McIntosh, Peterson, Ehrlich, Thurman: Section 6(2)(B); passed by voice vote.  
 Spratt Amendment to Amendment: Section 6; failed by roll call.  
 Peterson: Section 6(3)(B); withdrawn.  
 Sanders: Section 6, pg. 8; withdrawn.  
 Barrett: Section 6(7); failed by roll call.  
 Spratt: Section 6(2)(A); failed by roll call.  
 Peterson: Section 6(3)(B); passed by voice vote.  
 Final Passage of Substitute: Passed by voice vote.  
 Final Passage, H.R. 450 as amended by Substitute: Passed by roll call.

AMENDMENT NUMBER: 1 OF H.R. 450

Description: At the end of Section 5, add the following new subsection: (c) Specific Rulemaking—Section 3(a) or 4(a), or both shall not apply to a regulatory rulemaking action begun by the Secretary of Agriculture before the date of the enactment of this Act and relating to pathogen reduction in meat and poultry products with respect to which a notice was published at 60 Fed. Reg. 6774 (February 3, 1995).

Offered by: Ms. Slaughter and Ms. Collins—IL.  
 Failed by roll call.

Representatives	Aye	Nay	Present	Representatives	Aye	Nay	Present
Mr. Clinger .....	.....	X	.....	Mrs. Collins—IL .....	X		
Mr. Gilman .....	.....	X	.....	Mr. Waxman .....	X		
Mr. Burton .....	.....	X	.....	Mr. Lantos .....			
Mrs. Morella .....	.....	X	.....	Mr. Wise .....	X		
Mr. Shays .....	.....	X	.....	Mr. Owens .....			
Mr. Schiff .....	.....	X	.....	Mr. Towns .....	X		
Mrs. Ros-Lehtinen .....	.....	.....	.....	Mr. Spratt .....	X		
Mr. Zeff .....	.....	X	.....	Mrs. Slaughter .....	X		
Mr. McHugh .....	.....	X	.....	Mr. Kanjorski .....	X		
Mr. Horn .....	.....	X	.....	Mr. Condit .....	X		
Mr. Mica .....	.....	.....	.....	Mr. Peterson .....		X	
Mr. Blute .....	.....	.....	.....	Mr. Sanders .....	X		
Mr. Davis .....	.....	X	.....	Mrs. Thurman .....	X		
Mr. McIntosh .....	.....	X	.....	Mrs. Maloney .....	X		
Mr. Fox .....	.....	X	.....	Mr. Barrett .....			
Mr. Tate .....	.....	X	.....	Mr. Taylor .....	X		
Mr. Chrysler .....	.....	.....	.....	Mrs. Collins—MI .....			
Mr. Gutknecht .....	.....	X	.....	Mrs. Norton .....			
Mr. Souder .....	.....	X	.....	Mr. Moran .....			
Mr. Martini .....	.....	X	.....	Mr. Green .....	X		
Mr. Scarborough .....	.....	X	.....	Mrs. Meek .....			

Representatives	Aye	Nay	Present	Representatives	Aye	Nay	Present
Mr. Shadegg .....	.....	X	.....	Mr. Mascara .....	X		
Mr. Flanagan .....	.....	X	.....	Mr. Fattah .....			
Mr. Bass .....	.....	X					
Mr. LaTourette .....	.....	X					
Mr. Sanford .....	.....	X					
Mr. Ehrlich .....	.....	X					
Totals—14 ayes; 24 nays.							

AMENDMENT NUMBER: 2 OF H.R. 450

**Description:** At the end of Section 5, add the following new subsection: (c) Specific Rulemaking—Section 3(a) or 4(a), or both shall not apply to a regulatory rulemaking action begun by the Administrator of the Environmental Protection Agency before the date of the enactment of this Act and relates to control of microbial and disinfection by-products risks in drinking water supplies.

Offered by: Mrs. Maloney.  
Failed by roll call.

Representatives	Aye	Nay	Present	Representatives	Aye	Nay	Present
Mr. Clinger .....	.....	X	.....	Mrs. Collins—IL .....	X		
Mr. Gilman .....	.....	X	.....	Mr. Waxman .....	X		
Mr. Burton .....	.....	X	.....	Mr. Lantos .....			
Mrs. Morella .....	.....	X	.....	Mr. Wise .....	X		
Mr. Shays .....	.....		.....	Mr. Owens .....			
Mr. Schiff .....	.....		.....	Mr. Towns .....	X		
Mrs. Ros-Lehtinen .....	.....	X	.....	Mr. Spratt .....	X		
Mr. Zeliff .....	.....	X	.....	Mrs. Slaughter .....	X		
Mr. McHugh .....	.....	X	.....	Mr. Kanjorski .....	X		
Mr. Horn .....	.....	X	.....	Mr. Condit .....		X	
Mr. Mica .....	.....	X	.....	Mr. Peterson .....		X	
Mr. Blute .....	.....	X	.....	Mr. Sanders .....			
Mr. Davis .....	.....	X	.....	Mrs. Thurman .....	X		
Mr. McIntosh .....	.....	X	.....	Mrs. Maloney .....	X		
Mr. Fox .....	.....	X	.....	Mr. Barrett .....	X		
Mr. Tate .....	.....	X	.....	Mr. Taylor .....	X		
Mr. Chrysler .....	.....	X	.....	Mrs. Collins—MI .....			
Mr. Gutknecht .....	.....	X	.....	Mrs. Norton .....			
Mr. Souder .....	.....	X	.....	Mr. Moran .....	X		
Mr. Martini .....	.....	X	.....	Mr. Green .....	X		
Mr. Scarborough .....	.....	X	.....	Mrs. Meek .....	X		
Mr. Shadegg .....	.....	X	.....	Mr. Mascara .....	X		
Mr. Flanagan .....	.....	X	.....	Mr. Fattah .....			
Mr. Bass .....	.....						
Mr. LaTourette .....	.....	X					
Mr. Sanford .....	.....	X					
Mr. Ehrlich .....	.....	X					
Totals—15 ayes; 26 nays.							

AMENDMENT NUMBER: 3 OF H.R. 450

**Description:** At the end of Section 5, add the following new subsection: (c) Mine Safety Rulemaking—Section 3(a) or 4(a).

Offered by: Mr. Wise.  
Failed by roll call.

Representatives	Aye	Nay	Present	Representatives	Aye	Nay	Present
Mr. Clinger .....	.....		.....	Mrs. Collins—IL .....	X		
Mr. Gilman .....	.....	X	.....	Mr. Waxman .....	X		
Mr. Burton .....	.....	X	.....	Mr. Lantos .....			
Mrs. Morella .....	.....	X	.....	Mr. Wise .....	X		

Representatives	Aye	Nay	Present	Representatives	Aye	Nay	Present
Mr. Shays .....	.....	.....	.....	Mr. Owens.			
Mr. Schiff .....	.....	.....	.....	Mr. Towns .....	X		
Mrs. Ros-Lehtinen .....	.....	X	.....	Mr. Spratt .....	X		
Mr. Zeff .....	.....	X	.....	Mrs. Slaughter .....	X		
Mr. McHugh .....	.....	X	.....	Mr. Kanjorski .....	X		
Mr. Horn .....	.....	X	.....	Mr. Condit.			
Mr. Mica .....	.....	X	.....	Mr. Peterson .....	.....	X	
Mr. Blute .....	.....	X	.....	Mr. Sanders .....	X		
Mr. Davis .....	.....	X	.....	Mrs. Thurman .....	X		
Mr. McIntosh .....	.....	X	.....	Mrs. Maloney .....	X		
Mr. Fox .....	.....	X	.....	Mr. Barrett .....	X		
Mr. Tate .....	.....	X	.....	Mr. Taylor .....	X		
Mr. Chrysler .....	.....	X	.....	Mrs. Collins—MI.			
Mr. Gutknecht .....	.....	X	.....	Mrs. Norton.			
Mr. Souder .....	.....	X	.....	Mr. Moran .....	X		
Mr. Martini .....	.....	X	.....	Mr. Green.			
Mr. Scarborough .....	.....	X	.....	Mrs. Meek .....	X		
Mr. Shadegg .....	.....	X	.....	Mr. Mascara .....	X		
Mr. Flanagan .....	.....	X	.....	Mr. Fattah.			
Mr. Bass.							
Mr. LaTourette .....	.....	X					
Mr. Sanford .....	.....	X					
Mr. Ehrlich .....	.....	X					
Totals—15 ayes; 24 nays.							

AMENDMENT NUMBER: 4 OF H.R. 450

Description: In Section 6(7): (1) strike “death, serious illness, or severe injury”, and insert “substantial endangerment”; (2) in the heading and the text strike “imminent threat” each place it appears and insert “substantial endangerment”; (3) strike “during the moratorium period”; and (4) at the end add the following: In section 5, the term imminent threat of health or safety’ shall be considered to read ‘substantial endangerment to health or safety.’”

Offered by: Mr. Waxman.

Failed by roll call.

Representatives	Aye	Nay	Present	Representatives	Aye	Nay	Present
Mr. Clinger .....	.....	X	.....	Mrs. Collins—IL .....	X		
Mr. Gilman .....	X	.....	.....	Mr. Waxman .....	X		
Mr. Burton .....	.....	X	.....	Mr. Lantos.			
Mrs. Morella .....	X	.....	.....	Mr. Wise .....	X		
Mr. Shays .....	.....	.....	.....	Mr. Owens.			
Mr. Schiff .....	.....	.....	.....	Mr. Towns .....	X		
Mrs. Ros-Lehtinen .....	.....	X	.....	Mr. Spratt .....	X		
Mr. Zeff .....	.....	X	.....	Mrs. Slaughter .....	X		
Mr. McHugh .....	.....	X	.....	Mr. Kanjorski .....	X		
Mr. Horn .....	.....	X	.....	Mr. Condit .....	X		
Mr. Mica .....	.....	X	.....	Mr. Peterson .....	X		
Mr. Blute .....	.....	X	.....	Mr. Sanders .....	X		
Mr. Davis .....	.....	X	.....	Mrs. Thurman .....	X		
Mr. McIntosh .....	.....	X	.....	Mrs. Maloney .....	X		
Mr. Fox .....	.....	X	.....	Mr. Barrett .....	X		
Mr. Tate .....	.....	X	.....	Mr. Taylor .....	.....	X	
Mr. Chrysler .....	.....	X	.....	Mrs. Collins—MI.			
Mr. Gutknecht .....	.....	X	.....	Mrs. Norton.			
Mr. Souder .....	.....	X	.....	Mr. Moran .....	X		
Mr. Martini .....	.....	X	.....	Mr. Green.	X		
Mr. Scarborough .....	.....	X	.....	Mrs. Meek .....	X		
Mr. Shadegg .....	.....	X	.....	Mr. Mascara .....	X		
Mr. Flanagan .....	.....	X	.....	Mr. Fattah.			
Mr. Bass .....	.....	X					
Mr. LaTourette .....	.....	X					

Representatives	Aye	Nay	Present	Representatives	Aye	Nay	Present
Mr. Sanford .....	.....	X					
Mr. Ehrlich .....	.....	X					
Totals—19 ayes; 24 nays.							

AMENDMENT NUMBER: 5 OF H.R. 450

Description: Amend section 6(2)(B) to read as follows: (B) ending on the earlier of—(i) the first date on which there.  
 Offered by: Mr. McIntosh, Peterson, Condit, and Ehrlich.  
 Voice vote: Ayes.

AMENDMENT NUMBER: 6 OF H.R. 450

Description: Strike section 6(2)(B) and insert the following: “(B) ending on the expiration of the 180-day period beginning on the date of the enactment of this Act.”  
 Offered by: Mr. Spratt.  
 Voice vote: Nays.

AMENDMENT NUMBER: 7 OF H.R. 450

Description: In Section 6(3)(B): In clause (i) after the words “the head of the agency certifies is limited to”, insert “interpreting, implementing, or administering.”  
 Offered by: Mr. Peterson.  
 Withdrawn.

AMENDMENT NUMBER: 8 OF H.R. 450

Description: At the end of Section 6(3)(B), add the following new clause: (iv) any action which the Commissioner of Internal Revenue certifies is a substantive rule, interpretive rule, statement of agency policy, or notice of proposed rule making to interpret, implement or administer the revenue laws of the United States.  
 Offered by: Mr. Spratt.  
 Withdrawn.

AMENDMENT NUMBER: 9 OF H.R. 450

Description: Page 8, line 7 and 8 delete the words “or substantial endangerment to private property during the moratorium period.”  
 Offered by: Mr. Sanders.  
 Withdrawn.

AMENDMENT NUMBER: 10 OF H.R. 450

Description: In Section 6(7), strike “during the moratorium period.”  
 Offered by: Mr. Barrett.  
 Failed by roll call.

Representatives	Aye	Nay	Present	Representatives	Aye	Nay	Present
Mr. Clinger .....	.....	X		Mrs. Collins—IL .....	X		
Mr. Gilman .....	.....	X		Mr. Waxman .....	X		
Mr. Burton .....	.....	X		Mr. Lantos .....			
Mrs. Morella .....	X	.....		Mr. Wise .....			
Mr. Shays .....	.....			Mr. Owens .....	X		
Mr. Schiff .....	.....			Mr. Towns .....	X		
Mrs. Ros-Lehtinen .....	.....	X		Mr. Spratt .....	X		

Representatives	Aye	Nay	Present	Representatives	Aye	Nay	Present
Mr. Zeff		X		Mrs. Slaughter	X		
Mr. McHugh		X		Mr. Kanjorski	X		
Mr. Horn		X		Mr. Condit			X
Mr. Mica				Mr. Peterson			X
Mr. Blute		X		Mr. Sanders	X		
Mr. Davis		X		Mrs. Thurman	X		
Mr. McIntosh		X		Mrs. Maloney	X		
Mr. Fox		X		Mr. Barrett	X		
Mr. Tate		X		Mr. Taylor			X
Mr. Chrysler		X		Mrs. Collins—MI.			
Mr. Gutknecht		X		Mrs. Norton	X		
Mr. Souder		X		Mr. Moran			
Mr. Martini				Mr. Green	X		
Mr. Scarborough				Mrs. Meek			
Mr. Shadegg		X		Mr. Mascara	X		
Mr. Flanagan		X		Mr. Fattah			
Mr. Bass		X					
Mr. LaTourette		X					
Mr. Sanford		X					
Mr. Ehrlich		X					
Totals—15 ayes; 24 nays.							

AMENDMENT NUMBER: 11 OF H.R. 450

Description: Strike Section 6(2)(A) and insert the following: “(A) beginning on the date of the enactment of this Act; and”.

Offered by: Mr. Spratt.

Failed by roll call.

Representatives	Aye	Nay	Present	Representatives	Aye	Nay	Present
Mr. Clinger		X		Mrs. Collins—IL	X		
Mr. Gilman	X			Mr. Waxman	X		
Mr. Burton		X		Mr. Lantos			
Mrs. Morella	X			Mr. Wise			
Mr. Shays				Mr. Owens	X		
Mr. Schiff				Mr. Towns	X		
Mrs. Ros-Lehtinen		X		Mr. Spratt	X		
Mr. Zeff		X		Mrs. Slaughter	X		
Mr. McHugh		X		Mr. Kanjorski	X		
Mr. Horn		X		Mr. Condit			
Mr. Mica				Mr. Peterson	X		
Mr. Blute		X		Mr. Sanders	X		
Mr. Davis		X		Mrs. Thurman	X		
Mr. McIntosh		X		Mrs. Maloney	X		
Mr. Fox		X		Mr. Barrett	X		
Mr. Tate		X		Mr. Taylor			X
Mr. Chrysler		X		Mrs. Collins—MI.			
Mr. Gutknecht		X		Mrs. Norton	X		
Mr. Souder		X		Mr. Moran			
Mr. Martini				Mr. Green	X		
Mr. Scarborough		X		Mrs. Meek			
Mr. Shadegg		X		Mr. Mascara	X		
Mr. Flanagan		X		Mr. Fattah			
Mr. Bass		X					
Mr. LaTourette		X					
Mr. Sanford		X					
Mr. Ehrlich		X					
Totals—17 ayes; 22 nays.							

AMENDMENT NUMBER: 12 OF H.R. 450

Description: In Section 6(3)(B): In clause (i) strike the comma after regulatory burdens “through the words “United States.” Fol-

lowing clause (iv), add a new clause (v) that reads” (v) any agency action that the head of the agency certifies is limited to interpreting.

Offered by: Mr. Peterson.

Voice vote: Ayes.

FINAL PASSAGE OF SUBSTITUTE

Offered by: Mr. McIntosh, Peterson, Condit.

Voice vote: Ayes.

FINAL PASSAGE OF H.R. 450 AS AMENDED BY SUBSTITUTE

Representatives	Aye	Nay	Present	Representatives	Aye	Nay	Present
Mr. Clinger .....	X	.....	.....	Mrs. Collins—IL .....	.....	X	
Mr. Gilman .....	X	.....	.....	Mr. Waxman .....	.....	X	
Mr. Burton .....	X	.....	.....	Mr. Lantos .....	.....		
Mrs. Morella .....	.....	X	.....	Mr. Wise .....	.....	X	
Mr. Shays .....	.....	.....	.....	Mr. Owens .....	.....		
Mr. Schiff .....	X	.....	.....	Mr. Towns .....	.....	X	
Mrs. Ros-Lehtinen .....	X	.....	.....	Mr. Spratt .....	.....	X	
Mr. Zeff .....	X	.....	.....	Mrs. Slaughter .....	.....		
Mr. McHugh .....	X	.....	.....	Mr. Kanjorski .....	.....		
Mr. Horn .....	X	.....	.....	Mr. Condit .....	.....	X	
Mr. Mica .....	X	.....	.....	Mr. Peterson .....	.....	X	
Mr. Blute .....	.....	.....	.....	Mr. Sanders .....	.....		X
Mr. Davis .....	X	.....	.....	Mrs. Thurman .....	.....	X	
Mr. McIntosh .....	X	.....	.....	Mrs. Maloney .....	.....		X
Mr. Fox .....	X	.....	.....	Mr. Barrett .....	.....		X
Mr. Tate .....	X	.....	.....	Mr. Taylor .....	.....	X	
Mr. Chrysler .....	X	.....	.....	Mrs. Collins—MI. ....	.....		
Mr. Gutknecht .....	X	.....	.....	Mrs. Norton .....	.....		X
Mr. Souder .....	X	.....	.....	Mr. Moran .....	.....		X
Mr. Martini .....	X	.....	.....	Mr. Green .....	.....		X
Mr. Scarborough .....	X	.....	.....	Mrs. Meek .....	.....		
Mr. Shadegg .....	X	.....	.....	Mr. Mascara .....	.....		X
Mr. Flanagan .....	X	.....	.....	Mr. Fattah .....	.....		
Mr. Bass .....	X	.....	.....				
Mr. LaTourette .....	X	.....	.....				
Mr. Sanford .....	X	.....	.....				
Mr. Ehrlich .....	X	.....	.....				
Totals—28 ayes; 13 nays.							

X. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of the House of Representatives Rule XIII, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman): No changes.

## MINORITY VIEWS

### SUMMARY

The regulatory moratorium in H.R. 450 is not part of the Contract with America. It is an ill-conceived bill with unknown consequences. Proponents of the bill are unable to provide a list of regulations that would be covered by the moratorium, and when confronted with specific regulations are unable to provide any definitive decision on whether rules are covered or not.

The bill ignores the interests of the average American. There is no effort in this bill to sort out the good from the bad. It is a "one size fits all" solution. H.R. 450 will threaten key health and safety regulations, such as improved meat and poultry inspection procedures, while also halting regulations favored by business, such as rules at the FCC to allocate portions of the spectrum for new telephone systems.

By making the moratorium retroactive to November, the bill will penalize companies that made investments to comply with regulations, while rewarding those that did not. H.R. 450 places the protection of private property above the protection of human health and safety. It allows regulations which relax standards for health and safety to proceed, while halting rules that are neutral or strengthen protections for citizens.

H.R. 450 will have consequences that are unintended. It could, for example, halt trade sanctions against China. Failure to adopt EPA standards for nuclear materials could halt the movement of transuranic nuclear waste from Idaho, Colorado and other states to the Waste Isolation Pilot Project in New Mexico.

The remaining portion of these views detail some specific problems with the bill. However, the debate in the Committee highlighted one aspect of H.R. 450 that our colleagues should recognize. The effects of this bill are highly uncertain. For example, three amendments to exempt specific rules were offered. One dealt with improved meat and poultry inspection procedures to detect organisms that cause salmonella. A second dealt with test standards for cryptosporidium in drinking water. A third dealt with new mine safety regulations. In each case, the proponents of the legislation opposed the amendments. They contended that the rules might be exempt under the imminent threat to health and safety provision of the bill. However, they could not state that with certainty.

When other rules were discussed, proponents again discussed possible exemptions. One sponsor of the bill contended that FAA Airworthiness Directives could be exempt under the substantial endangerment to private property exclusion. Rules to provide comparability pay to Federal workers could be exempt under agency administration exclusions. Trade sanctions against China might be covered under a foreign policy exclusion.

There were no guarantees on any particular rule. If every rule is covered by an exemption, as the bill's proponents at times seemed to contend, the bill is a meaningless fraud. If the bill does halt important actions, many of which we all might support, we will regret the bill's passage.

#### MAJOR FLAWS IN H.R. 450

##### *Definition of imminent threat to public health and safety*

The bill would allow the Administrator of the Office of Information and Regulatory Affairs within OMB to exempt a rulemaking from the moratorium if there is "an imminent threat to health or safety or other emergency."

"Imminent threat to health or safety" is defined as "the existence of any condition, circumstance, or practice reasonably expected to cause death, serious illness, or severe injury to humans, or substantial endangerment to private property during the moratorium period."

The definition raised significant issues, which were discussed at length during the committee markup. The definition appears to use a lower threshold for private property than for human health and safety. In the case of private property, the standard is "substantial endangerment". In the case of humans, the standard is "death, serious illness, or severe injury".

The limitation that the injury must occur "during the moratorium period" also raises the standard for an exclusion to an unnecessarily high level. It will be extremely difficult to prove that there will be a death or severe injury during any particular period. Also, since all regulatory actions would be halted during the moratorium, this delay could contribute to injuries subsequent to the moratorium, but such effects would not be considered in the granting of an exemption.

The uncertainties surrounding this definition could bring uncertainties to the regulatory process, when decisions to exempt rules are litigated in the courts.

##### *Judicial review*

Section 7 of the bill was amended to provide a limitation on civil actions, but may allow a loophole that could tie up agency actions in the courts throughout the moratorium period. The second sentence of section 7 states that the prohibition on private rights of action "shall not affect any private right of action or remedy otherwise available under any other law."

The language could be interpreted to permit a challenge to a decision to exempt a law under the Administrative Procedure Act. If that was permissible, it would totally negate the prohibition on private rights of action in the preceding sentence.

##### *Retroactivity*

The bill would begin the moratorium period of November 20, 1994. Retroactivity is extremely unfair to businesses and individuals who have spent money to comply with regulations, or made investments based upon regulations that have been issued.

There is no reason to give a competitive advantage to businesses that chose to ignore regulations issued since November 20. Similarly, it is unfair to companies that made investments in reliance of the regulation to be penalized.

*Scope of moratorium*

The moratorium in this bill is extremely broad, covering all agencies and all rulemakings. The definition of rulemaking is also extremely broad, covering any action taken as part of a rulemaking, other than a cost benefit analysis or risk assessment. Specifically included are "any substantive rule, interpretative rule, statement of agency policy, notice of inquiry, advance notice of proposed rulemaking, or notice of proposed rulemaking."

Using such a broad definition will preclude agencies from taking normal steps that may be preliminary to making a rule. It would preclude agencies from reading public comments or reviewing suggestions for improving rules. As a result, useful actions or investigations would be precluded.

*Important rules covered by moratorium*

The length of the moratorium was extended by amendment to December 31, 1995, and there was no opportunity at the Committee to receive a comprehensive list of rules and regulations covered by the moratorium. Nevertheless, we have identified numerous rules that could be affected by the moratorium.

Some of the rules have been sought by business so that they may proceed in their business ventures. Some of the rules protect public health and safety of citizens. Some protect worker safety. Some are just common sense regulations that everyone would agree upon.

Not all of us may necessarily approve of each rule. However, many important agency actions would be delayed by the moratorium.

CARDISS COLLINS.  
 CHAKA FATTAH.  
 LOUISE SLAUGHTER.  
 BOB WISE.  
 FRANK MASCARA.  
 GENE GREEN.  
 JIM MORAN.  
 TOM BARRETT.  
 HENRY A. WAXMAN.  
 TOM LANTOS.  
 MAJOR R. OWENS.  
 CARRIE P. MEEK.



## A P P E N D I X

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CONGRESS OF THE UNITED STATES,  
*Washington, DC, December 12, 1994.*

The PRESIDENT,  
*The White House, Washington, DC.*

DEAR MR. PRESIDENT: On November 8th, the American people sent a message to Washington. They voted for a smaller, less intrusive government. We urge you to respond to that message by issuing an Executive Order imposing a moratorium on all federal rule-making. This moratorium should go into affect immediately and remain in effect for the first 100 days of the next Congress. During the moratorium, agencies should be directed to (1) identify both current and proposed regulations with costs to society that outweigh any expected benefits; (2) recommend actions to eliminate any unnecessary regulatory burden; (3) recommend actions to give state, local, or tribal governments more flexibility to meet federally-imposed responsibilities; and (4) make this information and the analysis supporting it available to Congress.

The moratorium we are proposing should not apply to all regulations. For example, the proposed moratorium should specifically exempt regulations that would relax a current regulatory burden. Previous moratoriums have exempted several types of regulations including those that (1) are subject to a statutory or judicial deadline; (2) respond to emergencies such as those that pose an imminent danger to human health or safety; or (3) are essential to the enforcement of criminal laws. It is our hope that you will review past exemption categories and use them to guide you in establishing similar standards for purposes of administering this moratorium.

Excessive regulation and red tape have imposed an enormous burden on our economy. Private estimates have projected the combined direct cost of compliance with all existing federal regulations to the private sector and to state and local governments at well over \$500 billion per year. Your own National Performance Review observed that the compliance costs imposed by federal regulations on the private sector alone were "at least \$430 billion per year—9 percent of our gross domestic product." This hidden tax has pushed up prices for goods and services for American families, and limited the ability of small businessmen and women to create jobs. The Small Business Administration estimates that small businesses in this country spend at least a billion hours a year filling out government forms.

The annual Unified Agenda of Federal Regulations, released on November 10, 1994, indicates that the Administration completed

767 regulations during the past six months and is pursuing over 4,300 rulemakings during the next fiscal year. We believe this moratorium on new federal regulations would send a clear signal that, working together, we intend to ease the burden of federal overregulation on consumers and businesses that has slowed economic growth and stifled job creation.

Thank you for your consideration of this request. We look forward to working with you to ensure that regulatory policy works for the American people, not against them.

Respectfully,

TRENT LOTT.  
THAD COCHRAN.  
DON NICKLES.  
NEWT GINGRICH.  
DICK ARMEY.  
TOM DELAY.  
JOHN BOEHNER.

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EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE OF MANAGEMENT AND BUDGET,  
*Washington, DC, December 14, 1994.*

Hon. TOM DELAY,  
*U.S. House of Representatives, Washington, DC.*

DEAR CONGRESSMAN DELAY: President Clinton has asked me to reply to your letter requesting that he issue an Executive order imposing a moratorium on all federal rulemaking.

As you know, the overwhelming majority of federal regulations are mandated by Congress so that federal agencies can put into practice your policy decisions. For example, much regulatory activity of the Clinton Administration involves protecting disabled Americans against discrimination and protecting all Americans against the health effects of pollution. These regulations are mandated by the Americans With Disabilities Act and the Clean Air Act, measures supported by Republicans in Congress and signed into law by President Bush.

President Clinton is concerned about the cost of regulations to businesses, individuals, and other governmental entities, whether or not those costs are mandated by Congress. The President has therefore directed Executive Branch agencies to regulate only when necessary, and only in the most cost-effective manner. The President has also ordered agencies to review existing regulations to eliminate rules that are duplicative, unnecessary, or not cost-effective.

Among the changes initiated by the Administration as a result of this directive are reforms that will free U.S. companies to export their goods overseas without drowning in paperwork, and provide the first upgrading in a generation of school nutrition standards for student meals. We have also opened the regulatory process so that individuals, businesses, and governmental entities can know in advance what regulations are being proposed and can participate more effectively in their development.

The "regulatory moratorium" you have proposed would stop rules from being issued regardless of their merit. For example, our infor-

mation about upcoming regulations indicates that this “moratorium” would prevent the Department of Agriculture from dealing with tainted meat in the food supply; the Department of Veterans Affairs from providing veterans with additional assistance for undiagnosed illnesses that may be the result of their service in the Persian Gulf War; and the Department of Labor from protecting children ages 14–17 from harmful conditions in the workplace.

A moratorium is a blunderbuss that could work in unintended ways. When President Bush tried such an approach in his Administration, it did not achieve its stated objective of reducing the number of federal regulations. In fact, in the months immediately after that moratorium, the number of regulations actually increased.

In sum, while we share the view that burdensome regulations need to be cut back, we disagree that a blanket moratorium is the best way to proceed. We believe that we can work together on this issue to achieve a thoughtful solution to this problem.

Sincerely yours,

SALLY KATZEN.

Identical letters sent to Hon. Robert Dole, Hon. Trent Lott, Hon. Thad Cochran, Hon. Don Nickles, Hon. Newt Gingrich, Hon. Dick Arney, and Hon. John Boehner.

Bibliography on COSTS OF REGULATION—Last 10 year's citations)



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Citations are arranged alphabetically by author.

\*\*\*\*\*  
 AUTHOR: Abbott, Alden F.  
 TITLE: Case studies on the costs of Federal statutory and judicial deadlines.  
 SOURCE: Administrative law review, v. 39, fall 1987: 467-487.  
 LOCATION: LRS87-11206 HD 2754 U.S. A

NOTES: Examines 11 regulatory case studies to explore the costs of congressionally enacted "statutory deadlines" that require agencies to take specified actions by a certain date. "At best, those deadlines have a negligible impact on agency actions; at worst, they waste and misallocate resources and engender hastily considered, socially inefficient rules . . . Greater reliance on statutorily required non-binding ('recommendatory') deadlines or agency statements of goals would enable Congress to monitor the pace of agency actions without generating the social costs associated with binding deadlines."

SUBJECT(S): Executive departments--[U.S.] / Legislation--[U.S.]--  
 Economic aspects / Law enforcement--[U.S.]--Costs /  
 Government regulation--[U.S.]--Costs

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AUTHOR: Abuhoff, Daniel M. Zirlin, Harry. Hammer, Stuart.  
 TITLE: Environmental law [Superfund reform].  
 SOURCE: National law journal, v. 16, May 2, 1994: B5, B8.  
 LOCATION: LRS94-4661 TP 996 C

NOTES: The administration's Superfund Reform Bill "has five primary objectives: Decrease the time and costs of cleanups; Increase the fairness of CERCLA's liability structure and decrease litigation expenses; Expand state authority and involvement; Increase community involvement in the CERCLA process; Encourage economic redevelopment. This article briefly summarizes the key components of the administration's proposal and assesses the likelihood that its stated objectives will be achieved."

SUBJECT(S): Hazardous waste disposal--[U.S.]--Law and legislation /  
 Environmental economics--[U.S.] / Liability for toxic  
 substances pollution damages--[U.S.]--Law and legislation /  
 Regulatory reform--[U.S.] / Intergovernmental relations--  
 [U.S.] / Clinton Administration / Toxic substances  
 legislation--[U.S.]--States / Superfund--Costs /  
 Comprehensive Environmental Response, Compensation, and  
 Liability Act

ADDED ENTRY: National law journal 16: B5

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AUTHOR: Bartel, Ann P. Thomas, Lacy Glenn.  
 TITLE: Predation through regulation: the wage and profit effects of the Occupational Safety and Health Administration and the Environmental Protection Agency.  
 SOURCE: Journal of law & economics, v. 30, Oct. 1987: 239-264.  
 LOCATION: LRS87-11319 HD 2754 U.S. A

NOTES: Studies the effects of EPA and OSHA regulations on manufacturing wages and profits. Claims that indirect effects of regulation frequently mitigate the direct costs of regulation in favor of large, unionized firms in the Frost Belt.

SUBJECT(S): Government regulation--[U.S.]--Costs / Industrial costs--[U.S.] / Profit--[U.S.]--Mathematical models / Wages--[U.S.]--Mathematical models / Regional economic disparities --[U.S.]--Mathematical models

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AUTHOR: Bernstein, Mark. Farrell, Alex. Winebrake, James.  
 TITLE: The environment and economics.  
 SOURCE: Energy policy, v. 22, Sept. 1994: 748-754.  
 LOCATION: LRS94-11141 TP 400 C

NOTES: "This paper analyzes the effects of several types of regulatory policy on the operation of the SO2 allowance trading system established in the US Clean Air Act Amendments of 1990 (CAAA). Theoretically, such a system can achieve environmental goals at least cost. However, regional environmental and employment concerns have suggested regulations in some states that will restrict full market operation, thereby negating many of the efficiency gains that market based regulation is designed to capture. This paper determines the costs of these regulatory interventions. These costs can be compared with employment and environmental impacts to assist policy makers in their regulatory decisions."

SUBJECT(S): Emissions trading--[U.S.]--Economic aspects / Sulphur oxides--[U.S.]--Law and legislation / Air pollution control --[U.S.]--Costs / Government regulation--[U.S.]--Costs / Environmental economics--[U.S.] / Energy policy--[U.S.]--Environmental aspects / Government regulation--[U.S.]--States / Acid rain--[U.S.]--Law and legislation / Clean Air Act Amendments / Clean Air Act

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AUTHOR: Boxer, Richard S.  
 TITLE: Electricity's unstable regulatory regime.  
 SOURCE: Public utilities fortnightly, v. 119, June 25, 1987: 13-19.  
 LOCATION: LRS87-6764 TK 215 U.S. B

NOTES: Suggests that regulatory attempts to provide incentives to the electric utility industry for construction projects will be "an invitation to inefficiency because of the cost-plus feature necessarily present. Deregulation of the generation phase of the electric industry seems a better-- and more likely to happen--alternative."

SUBJECT(S): Electric utilities--[U.S.]--Law and legislation / Electric power production--[U.S.]--Costs / Electric power plants--[U.S.]--Finance / Government regulation--[U.S.]

AUTHOR: Brimelow, Peter. Spencer, Leslie.  
 TITLE: When quotas replace merit, everybody suffers.  
 SOURCE: Forbes, v. 151, Feb. 15, 1993: 80-82, 86, 90, 94, 96, 99, 102.  
 LOCATION: LRS93-364 HD 6305 A

NOTES: Says that the rise of affirmative action programs directed at "protected classes" represents "a peculiarly American neosocialism, putting politics (and lawyers) in command of its workplace, albeit on the pretext of equity rather than efficiency."

SUBJECT(S): Affirmative action programs--[U.S.]--Costs / Discrimination in employment--[U.S.] / Reverse discrimination in employment--[U.S.]

AUTHOR: Brozen, Yale.  
 TITLE: The cost of bad government: one trillion dollars.  
 SOURCE: Dallas, National Center for Policy Analysis, 1986. 32 p. (NCPA policy report no. 122)  
 LOCATION: LRS86-12641 HD 2754 U.S. A

NOTES: Estimates the net economic costs to the U.S. economy of selected government policies. Concludes that in 1986 the total cost of "bad" government policies to the U.S. economy is approximately one trillion dollars.

SUBJECT(S): Monetary policy--[U.S.]--Costs / Government regulation--[U.S.]--Costs / Subsidies--[U.S.]--Costs  
 ADDED ENTRY: National Governors' Association. Center for Policy Research.

TITLE: Carbon charges as a response to global warming: the effects of taxing fossil fuels.  
 SOURCE: Washington, Congressional Budget Office, 1990. 69 p.  
 LOCATION: LRS90-6939 LIMITED AVAILABILITY RBC 4011

NOTES: "Reducing emissions of carbon dioxide is likely to be part of any response by governments to the threat of global

warming. This study by the Congressional Budget Office (CBO) examines the problem of global warming in general and reports specifically on an analysis of the economic costs of imposing taxes on fossil fuels as a means of reducing emissions of carbon dioxide."

SUBJECT(S): Greenhouse effect / Fossil fuels--[U.S.] / Air pollution control--Economic aspects / Environmental policy--[U.S.]--Costs / Energy policy--[U.S.]--Taxation / Pollution taxes--[U.S.] / Economic impact statements--[U.S.] / Carbon dioxide

ADDED ENTRY: U.S. Congressional Budget Office.

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AUTHOR: Chapman, Fern Schumer.  
 TITLE: AIDS & business: problems of costs and compassion.  
 SOURCE: Fortune, v. 114, Sept. 15, 1986: 122-124, 126-127.  
 LOCATION: LRS86-7690 RC 101 L

NOTES: "AIDS confronts business managers with formidable problems that were not even imagined just a few years ago. Employees with AIDS can run up big medical expenses, and fear of getting AIDS can upset other employees."

SUBJECT(S): Acquired immune deficiency syndrome--[U.S.]--Costs / Employee rights--[U.S.] / Personnel management--[U.S.] / Occupational health and safety--[U.S.] / Health insurance--[U.S.]

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AUTHOR: Chilton, Kenneth.  
 TITLE: Environmental dialogue: setting priorities for environmental protection.  
 SOURCE: St. Louis, Center for the Study of American Business, Washington University, 1991. 30 p. (Policy study no. 108)  
 LOCATION: LRS91-9195 TP 450 U.S. B 1

NOTES: "This essay seeks to contribute to the national debate, preferably a national dialogue, on environmental priorities. It does so by first briefly assessing the environmental status quo: What has been accomplished in the past twenty years? The next question raised and discussed is, How might environmental policy be changed to better meet the needs of the American people? Lastly, the essay analyses impediments to a more cost-effective environmental regime--the 'congressional handcuffs' currently placed on EPA and the key to unlocking those handcuffs."

SUBJECT(S): Environmental protection--[U.S.]--Evaluation / Environmental policy--[U.S.]--Future / Pollution control--[U.S.]--Costs / Cost effectiveness--[U.S.] / Government regulation--[U.S.] / Risk assessment--[U.S.] / U.S. Environmental Protection Agency

ADDED ENTRY: Washington University (Saint Louis, Mo). Center for the

## Study of American Business.

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- AUTHOR: Cook, James.  
 TITLE: Nuclear follies.  
 SOURCE: Forbes, v. 135, Feb. 11, 1985: cover, 82-96, 98, 100.  
 LOCATION: LRS85-468 QC 170 U.S. E 4
- NOTES: Contends that "the failure of the U.S. nuclear power program ranks as the largest managerial disaster in business history, a disaster on a monumental scale."
- SUBJECT(S): Nuclear industry--[U.S.]--Management / Electric utilities--[U.S.]--Planning / Electric utility rates--[U.S.] / Nuclear power plants--[U.S.]--Costs / Corporate planning--[U.S.] / Government regulation--[U.S.] / Cost effectiveness--[U.S.] / Contractors--[U.S.] / Cost overruns--[U.S.] / U.S. Nuclear Regulatory Commission.
- 
- AUTHOR: Craswell, Richard.  
 TITLE: Regulating deceptive advertising: the role of cost-benefit analysis.  
 SOURCE: Southern California law review, v. 64, Mar. 1991: 549-604.  
 LOCATION: LRS91-1847 HF 5801
- NOTES: Partial contents.--Cost-benefit analysis and interpretation. Are the costs of reducing deception significant?--Other objections to cost-benefit analysis.--Interpretations vs. beliefs.--Long-term or systemic effects.--The alternative proposed by Schechter.--Conclusion: two modest proposals.
- SUBJECT(S): Deceptive advertising--[U.S.]--Evaluation / Government regulation--[U.S.] / Cost accounting--[U.S.]
- 
- AUTHOR: Cross, Frank B.  
 TITLE: The weaning of the green: environmentalism comes of age in the 1990s.  
 SOURCE: Business horizons, v. 33, Sept.-Oct. 1990: 40-46.  
 LOCATION: LRS90-8388 TP 450 U.S. B 1
- NOTES: "Traditional environmental regulation, unfortunately, has been neither particularly efficient nor effective. Environmental concerns have been marked by considerable antagonism between the environmental and industrial communities. In a political attempt to appear 'greener than thou,' environmental activists have demanded the most extreme levels of environmental protection and refused to consider the costs of such protection. Industrial representatives have too often fought even efficient environmental protection measures and employed spurious science on behalf of their position . . . . The recent

shift in attitudes of both these political combatants offers promise for improved environmental policies."

SUBJECT(S): Environmental law and legislation--[U.S.] / Environmental policy--[U.S.]--Costs / Environmental protection groups--[U.S.] / Business and social problems--[U.S.] / Liability for toxic substances pollution damages--[U.S.] / Government regulation--[U.S.] / Risk assessment--[U.S.] / Clean Air Act

AUTHOR: Davidson, Wallace N. Worrell, Dan. Cheng, Louis T.  
 TITLE: The effectiveness of OSHA penalties: a stock-market-based test.  
 SOURCE: Industrial relations, v. 33, July 1994: 283-296.  
 LOCATION: LRS94-7263 HD 7273

NOTES: Finds that investors react negatively to announced OSHA penalties. However the decreases in the firms stock values are "unrelated to the relative size of the penalty, to the number of non-record-keeping violations, and to whether the penalties were attributable to employee injury or death."

SUBJECT(S): Occupational health and safety--[U.S.]--Costs / Stockholders--[U.S.]--Research / U.S. Occupational Safety and Health Administration

AUTHOR: Davis, Charles. Feiock, Richard.  
 TITLE: Testing theories of state hazardous waste regulation: a reassessment of the Williams and Matheny study.  
 SOURCE: American politics quarterly, v. 20, Oct. 1992: 501-511.  
 LOCATION: LRS92-9336 TP 995 C

NOTES: "This research reassesses the conclusions reached by Williams and Matheny in their analysis of state and industry spending for hazardous waste regulation. Using updated and in some cases reconfigured indicators for hazardous waste expenditures, the authors affirmed earlier findings pertaining to the link between industry influence and regulatory spending decisions. However, they also concluded that the market failure thesis provided a better explanation of state hazardous waste decision making than the original research and that the socialization of cost thesis was less useful in accounting for interstate variation in pollution control expenditures."

SUBJECT(S): Hazardous wastes--[U.S.]--States / Hazardous waste disposal --[U.S.]--Costs / State finance--[U.S.] / Government and business--[U.S.] / Regulatory reform--[U.S.]

AUTHOR: Davisson, John.  
 TITLE: Cutting workers' comp costs.  
 SOURCE: Occupational hazards, v. 56, Feb. 1994: 26-29.  
 LOCATION: LRS94-4218 HD 7814 U.S.

NOTES: "Holistic solutions can help employers break the crippling grip of escalating workers' compensation costs."

SUBJECT(S): Workers compensation--[U.S.]--Costs / Occupational health and safety--[U.S.]

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AUTHOR: Dowd, Ann Reilly.  
 TITLE: Environmentalists are on the run.  
 SOURCE: Fortune, v. 130, Sept. 19, 1994: 91-92, 96, 98, 100, 102, 104.  
 LOCATION: LRS94-8073 TP 460 U.S. B 1

NOTES: "What's driving them back is a loose but powerful coalition of business leaders fed up with excessive regulation; state and local government officials tired of footing the bill when Washington issues new cleanup calls; and a growing pack of farmers, ranchers, and other landowners angry at the way environmental laws increasingly erode private property rights." Three reforms dominate the anti-environmentalists' agenda: enact "legislation requiring an assessment of risks and a cost-benefit analysis whenever a federal agency issues a major new rule"; pass "a 'no money, no mandate' law that would prohibit the federal government from imposing expensive new requirements without providing a way to pay; and demand "compensation when federal environmental actions severely limit the use and lower the value of private property."

SUBJECT(S): Environmental law and legislation--[U.S.]--Costs / Business and social problems--[U.S.] / Environmental economics--[U.S.] / Environmental protection groups--[U.S.] / Risk assessment / Right of property--[U.S.] / Cost effectiveness / Regulatory reform--[U.S.]--Economic aspects / Social movements--[U.S.]

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AUTHOR: Downs, Anthony.  
 TITLE: The revolution in real estate finance.  
 SOURCE: Washington, Brookings Institution, c1985. 345 p.  
 LOCATION: LRS85-11471 LIMITED AVAILABILITY L SDI Loan

NOTES: Contents.--Introduction and overview.--Causes of the revolution.--Two main effects of the revolution.--The fundamental structure of real estate financial markets.--More intensive use of space and greater emphasis on equity ownership.--The real estate bias of capital markets.--The concept of housing affordability.--Recent trends in housing affordability.--Managing the problem of housing

affordability.--Imbalances in the rewards and costs of risk taking.--Turmoil among financial institutions.--The nature of secondary mortgage markets.--Policies affecting secondary mortgage markets.--National economic strategy and financial deregulation.

SUBJECT(S): Real estate business--[U.S.]--Finance / Housing finance--[U.S.] / Financial deregulation--[U.S.] / Home ownership--[U.S.]--Costs / Secondary mortgage market--[U.S.] / Variable rate mortgage loans--[U.S.] / Risk

AUTHOR: Dudek, Daniel J. Palmisano, John.  
 TITLE: Emissions trading: why is this thoroughbred hobbled?  
 SOURCE: Columbia journal of environmental law, v. 13, 1988: 217-256.  
 LOCATION: LRS88-12370

NOTES: This article "presents the conceptual underpinnings of emissions trading, reviews the experience of a market-based approach to pollution control within EPA's air program and presents new opportunities for application of these policies." The authors conclude that there is overwhelming evidence that emissions trading has been proven successful and that market-based approaches should be extended to the problems of acid rain, stratospheric ozone depletion, and climate change.

SUBJECT(S): Emissions trading--[U.S.] / Government regulation--[U.S.]--Economic aspects / Regulatory reform--[U.S.]--Evaluation / Air quality--[U.S.]--Standards / Pollution control--[U.S.]--Costs

TITLE: Failing health: a wasteful system that doesn't work.  
 SOURCE: Progressive, v. 64, Oct. 1990: 14-29.  
 LOCATION: LRS90-7498 RA 400

NOTES: Contents.--A wasteful system that doesn't work, by Milton Terris.--Labor's blurred vision, by Laura McClure.--Medication inflation, by Arthur E. Rowse.--In research women don't matter, by Barbara Berney.

SUBJECT(S): Medical economics--[U.S.] / Health insurance--[U.S.]--Costs / Medicine--[U.S.]--Costs / Occupational health and safety--[U.S.] / Medical screening--[U.S.] / Breast cancer--[U.S.]--Research  
 ADDED ENTRY: Terris, Milton., McClure, Laura., Rowse, Arthur E., Berney, Barbara.

TITLE: The Fifth Annual Robert C. Byrd Conference on the administrative process: the first year of the Clinton/Gore: reinventing government or refining Reagan/Bush initiatives?  
 SOURCE: Administrative law journal of the American University, v. 8, spring 1994: 23-66.  
 LOCATION: LRS94-8288 JK 821 D

NOTES: "Our first subject deals with executive branch power. The Clinton Administration, as we all know, is reinventing government, but is it even trying to reinvent regulation? Let us look at it from both a structural and a substantive perspective. Does the senior White House staff continue to dominate the formation of regulatory policy in this administration the way that it was often said to do during the Reagan and Bush Administrations? In a substantive sense, have the governing models and values of regulatory analysis changed in the last twelve months? To what extent is cost-benefit analysis still the guiding principle of regulatory theory? Or have other values begun to seep into the process?"

SUBJECT(S): Administrative law--[U.S.]--Conferences / Executive reorganization--[U.S.]--Conferences / Government regulation--[U.S.]--Conferences / Regulatory reform--[U.S.]--Conferences

TITLE: The Financial services revolution.  
 SOURCE: Cato journal, v. 7, winter 1988: whole issue (555-821 p.)  
 LOCATION: LRS88-5187 LIMITED AVAILABILITY L SDI Loan

NOTES: Reprints papers from the Cato Institute's Fifth Annual Monetary Conference held Feb. 26-27, 1987.  
 Contents.--Bank runs: causes, benefits, and costs, by George G. Kaufman.--A public choice perspective of the Banking Act of 1933, by William F. Shughart, II.--Accommodating changes in the relative demand for currency: free banking vs. central banking, by George A. Selgin.--Automatic stabilizing mechanisms under free banking, by Kevin Dowd.--Deposit insurance in theory and practice, by Gerald P. O'Driscoll, Jr.--A transaction cost analysis of banking activity and deposit insurance, by Susan Woodward.--The role of the Federal Reserve in reserve requirement regulation, by Mark Toma.--The FSLIC is "broke" in more ways than one, by Gillian Garcia.--Can banking and commerce mix? by Thomas F. Huertas.--Agency costs and unregulated banks: could depositors protect themselves? by Catherine England.--Reuniting investment and commercial banking, by Robert E. Litan.

SUBJECT(S): Bank failures--[U.S.] / Deposit insurance--[U.S.] / Banking law--[U.S.] / Bank reserves--[U.S.] / Savings and loan associations--[U.S.] / Financial deregulation--[U.S.] / Financial institutions--[U.S.] / Financial services--[U.S.]

/ Investment banking--[U.S.] / Banking Act / Federal Savings and Loan Insurance Corporation / Glass-Steagall Act

AUTHOR: Gallaway, Lowell. Anderson, Gary M.  
 TITLE: The impact of recent Federal regulations on small business job creation.  
 SOURCE: Journal of regulation and social costs, v. 2, Mar. 1993: 27-61.  
 LOCATION: LRS93-1387 HD 2764 U.S. A

NOTES: Says that "Congress, eager to avoid putting the cost of environmentalism into the Federal budget where it can be seen by all, prefers to impose mandates on private enterprise. Costs imposed by regulation and not reflected in the Federal budget are harder to see and criticize. However, the small business entrepreneurs who face the true costs of spiraling environmental regulation find their ability to create jobs for American workers suffocated by 'green tape.'" Addresses the burdens of the Clean Air Act Amendments of 1990, minimum wage laws, the Americans with Disabilities Act, and the Civil Rights Act of 1991.

SUBJECT(S): Government regulation--[U.S.]--Costs / Small business--[U.S.] / Environmental protection--[U.S.]--Costs / Job creation--[U.S.]

AUTHOR: Gillette, Clayton P. Hopkins, Thomas D.  
 TITLE: Federal agency valuations of human life. In Administrative Conference of the United States recommendations and reports, 1988.  
 SOURCE: Washington, The Conference, 1989. p. 367-408.  
 LOCATION: LRS89-5437 HD 7273

NOTES: At head of title: Administrative Conference of the United States: report for recommendation 88-7.  
 "Why life saving values differ across types of rulemakings and agencies, whether they should vary, and the propriety of the manner in which agencies derive and utilize them, comprise the focus of this report. We begin in Section II with a discussion of the Executive Orders and statutory and case law that define the parameters for agency valuation practices. Section III then turns to a broad array of issues that arise in the valuation process, including philosophical reservations about any explicit valuation efforts and more pragmatic questions concerning valuation techniques. Finally, Section IV provides our concluding observations and recommendations for improvements in agency practice."

SUBJECT(S): Administrative procedure--[U.S.] / Cost effectiveness--[U.S.] / Regulatory impact statements--[U.S.] / Risk assessment--[U.S.] / Risk--[U.S.]--Costs / Occupational

health and safety--[U.S.]--Costs / Quality of life--[U.S.]--  
 -Costs / U.S. Office of Management and Budget. Office of  
 Information and Regulatory Affairs  
 ADDED ENTRY: Administrative Conference of the United States.

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AUTHOR: Golbe, Devra L.  
 TITLE: Imperfect signalling, affirmative action, and Black-white  
 wage differentials.  
 SOURCE: Southern economic journal, v. 51, Jan. 1985: 842-848.  
 LOCATION: LRS85-1920 HD 6305 B

NOTES: Finds that "several mechanisms can lead to the skewing of  
 black-white wage differentials which has been observed.  
 Skewing can arise from affirmative action in the labor  
 market, from affirmative action in the education market,  
 and, indeed, from any factor which makes education more  
 costly (relative to majority workers) for less productive  
 minority workers and less costly to more productive  
 minority workers even in the absence of affirmative action  
 programs or discrimination."

SUBJECT(S): Discrimination in employment--[U.S.]--Mathematical models /  
 Affirmative action programs--[U.S.] / Blacks--[U.S.]--Wages  
 / Wages--[U.S.] / Racial discrimination--[U.S.]

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AUTHOR: Hahn, Robert W.  
 TITLE: Clean water policy.  
 SOURCE: American enterprise, v. 4, Nov.-Dec. 1993: 67-71.  
 LOCATION: LRS93-10579 TD 420 U.S. B

NOTES: "The first major piece of environmental legislation to  
 reach President Clinton's desk is likely to be the  
 reauthorization of the Clean Water Act, last amended in  
 1987." Recommendations for the reform of clean water  
 regulation are made, focusing on the application of basic  
 economic analysis to the public management of water  
 resources. Cost-benefit analysis is introduced as tool to  
 provide information useful for changing the current Clean  
 Water Act. Economic incentives and marketable permit  
 systems are recommended over command-and-control regulation  
 for achieving clean water standards.

SUBJECT(S): Water pollution control--[U.S.]--Law and legislation /  
 Government regulation--[U.S.]--Economic aspects / Emissions  
 trading--[U.S.] / Pollution taxes--[U.S.] / Environmental  
 economics--[U.S.] / Cost effectiveness / Clean Water Act--  
 Authorization

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AUTHOR: Hahn, Robert W. Hird, John A.  
 TITLE: The costs and benefits of regulation: review and synthesis.  
 SOURCE: Yale journal on regulation, v. 8, winter 1991: 233-278.  
 LOCATION: LRS91-1662 HD 2754 U.S. A

NOTES: Assessing the effects of Federal regulatory policies in 16 industries and seven areas of social regulation, the authors "find that the efficiency cost due to the economic regulation is large and that the benefit from social regulation is positive but small. Their study also finds a huge variation in estimates of the costs and benefits of particular regulatory policies, particularly in the transportation sector and in environmental protection."

SUBJECT(S): Government regulation--[U.S.]--Costs / Deregulation--[U.S.]  
 --Costs

AUTHOR: Hahn, Robert W. Hopkins, Thomas D.  
 TITLE: Regulation/deregulation: looking backward, looking forward.  
 SOURCE: American enterprise, v. 3, July-Aug. 1992: 70-79.  
 LOCATION: LRS92-5176 HD 2754 U.S. A

NOTES: "What are the costs and benefits of regulation? Economists have been studying these issues for over two decades, and a synthesis of their research is presented here. We then examine some regulatory reform proposals aimed at making regulation more effective and efficient. Finally, we speculate on the likely path regulation will take over the next several years."

SUBJECT(S): Government regulation--[U.S.]--Costs / Regulatory reform--[U.S.]--Pro and con

AUTHOR: Hahn, Robert W. Hester, Gordon L.  
 TITLE: Where did all the markets go?: an analysis of EPA's emissions trading program.  
 SOURCE: Yale journal on regulation, v. 6, winter 1989: 109-153.  
 LOCATION: LRS89-9527 TP 400 B

NOTES: Briefly reviews the use of market systems to regulate activities that harm the environment. Summarizes the legislative and regulatory underpinnings of emissions trading and its four allowable activities. Examines the performance of these activities, showing that while economic gains have been substantial, they are well short of their potential. Suggests that environmental quality appears to be largely unaffected by the use of emissions trading."

SUBJECT(S): Air pollution control--[U.S.]--Law and legislation / Air pollution control--[U.S.]--Economic aspects / Government regulation--[U.S.]--Costs / Pollution control--[U.S.]--

Economic aspects / Environmental policy--[U.S.]--Evaluation  
/ Air quality--[U.S.]--Standards / U.S. Environmental  
Protection Agency

- 
- AUTHOR:** Hong, Peter. Galen, Michele.  
**TITLE:** The toxic mess called Superfund: industry and environmentalists agree: the plan is a disaster.  
**SOURCE:** Business week, no. 3265, May 11, 1992: 32-34.  
**LOCATION:** LRS92-3501 TP 995 C
- NOTES:** "The measure was supposed to provide a speedy cleanup for more than 1,000 hazardous waste sites across the U.S. . . . But estimates of the nationwide cost of the cleanup have soared as high as \$750 billion--a stunner eclipsing even the government rescue of the savings and loan industry. And no one is willing to pay the tab. The result? Superfund has turned into superscandal. After 12 years and \$11 billion spent so far, just 84 of the 1,245 sites on the Superfund high-priority list have been cleaned up."
- SUBJECT(S):** Hazardous waste disposal--[U.S.]--Costs / Toxic substances legislation--[U.S.] / Regulatory reform--[U.S.]
- 
- AUTHOR:** Hood, John.  
**TITLE:** How consumers get taken for a ride.  
**SOURCE:** Consumers' research, v. 72, Feb. 1989: 31-35.  
**LOCATION:** LRS89-491 HE 4200 A
- NOTES:** Contains "that consumers of urban transportation are hurt far more than helped by subsidies and regulations. In fact, government intervention in this market has limited consumer choices, caused prices to rise, and encouraged shoddy and inferior service." Discusses the effects of subsidies and government regulation on motor buses, rail systems, taxicabs, and automobile transportation.
- SUBJECT(S):** Urban transportation--[U.S.] / Subsidies--[U.S.] / Urban transportation policy--[U.S.] / Government regulation--[U.S.]--Costs
- 
- AUTHOR:** Hopkins, Thomas D.  
**TITLE:** The costs of Federal regulation.  
**SOURCE:** Journal of regulation and social costs, v. 2, Mar. 1992: 5-31.  
**LOCATION:** LRS92-2662 HD 2754 U.S. A
- NOTES:** "This paper explores the emerging pattern of federal regulatory costs, both over time and across governmental programs . . . Federal regulation probably is costing American consumers roughly \$400 billion dollars annually over and above those costs of government that show up in

the budget. This works out to an average of over \$4,000 per household."

SUBJECT(S): Government regulation--[U.S.]--Costs

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TITLE: Industry, technology, and the environment: competitive challenges and business opportunities; summary.  
 SOURCE: Washington, Office of Technology Assessment, for sale by the Supt. of Docs., G.P.O., 1993. 38 p.  
 LOCATION: LRS93-13331 AVAILABLE FROM ISSUING AGENCY TP 450 U.S. A

NOTES: "OTA-ITE-597, November 1993"  
 This study analyzes the international competitiveness for two kinds of American industries that are affected by environmental policies: (1) environmental technology and services firms; and (2) manufacturing firms that must meet U.S. environmental regulations while competing with firms from countries with weaker standards or more industrial subsidization. "It concludes that technology--and policies that promote technological innovation and efficiency--are key to resolving many pressing environmental problems, to boosting the long term export potential of U.S. environmental firms, and to making it less costly for manufacturing firms to comply with environmental regulations."

SUBJECT(S): Pollution control--Technological innovations / International competitiveness--[U.S.] / Environmental law and legislation--[U.S.]--Costs / Technology policy--[U.S.]--Environmental aspects / Business and social problems--[U.S.] / Industrial policy--[U.S.] / Environmental policy--[U.S.] / Manufacturing industries--[U.S.] / Foreign trade promotion--[U.S.] / Technology and social problems--[U.S.]  
 ADDED ENTRY: U.S. Congress. Office of Technology Assessment.

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TITLE: Industry, technology, and the environment: competitive challenges and business opportunities.  
 SOURCE: Washington, Office of Technology Assessment, for sale by the Supt. of Docs., G.P.O., 1994. 340 p.  
 LOCATION: LRS94-1569 L SDI LoanL CDU-D

NOTES: "OTA-ISC-586, January 1994"  
 "The Report analyzes the growing world market for environmental technologies and services, and the competition U.S. environmental firms face from firms in Europe, Japan, and elsewhere. The Report also compares what it costs U.S. manufacturers to comply with pollution abatement requirements with compliance costs in other countries. It assesses the potential for technological alternatives, such as pollution prevention and cleaner production technologies, to lower compliance costs. The Report discusses the pros and cons of over 30 policy

options related to technology development and diffusion, regulatory reform and innovation, export promotion, development assistance, and interactions between environmental policy and trade policy." See also: LRS92-3824 and LRS93-8668.

SUBJECT(S): Pollution control--Technological innovations / International competitiveness--[U.S.] / Environmental policy--[U.S.]--Costs / Technology policy--[U.S.]--Environmental aspects / Business and social problems--[U.S.] / Foreign trade promotion--[U.S.] / Technology transfer--[U.S.]--Developing countries / Manufacturing industries--[U.S.] / Foreign trade policy--[U.S.]--Environmental aspects / Industrial policy--[U.S.]

ADDED ENTRY: U.S. Congress. Office of Technology Assessment.

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TITLE: Information collection budget of the United States Government fiscal year 1990.

SOURCE: Washington, U.S. Executive Office of the President, Office of Management and Budget, 1990. 94 p.

LOCATION: LRS90-7441 LIMITED AVAILABILITY L SDI Loan

NOTES: "This report, the Information Collection Budget (ICB) for FY 1990, represents the tenth annual 'paperwork budget' for controlling the number of hours that individuals, businesses, and State and local governments must spend preparing or maintaining Federally-mandated forms, reports, and records. It provides both an accounting of actual reductions accomplished by Executive Branch agencies during FY 1989 and of the paperwork reductions planned by these agencies for FY 1990."

SUBJECT(S): Government paperwork--[U.S.]--Statistics / Government paperwork--[U.S.]--Costs / Federal budgets--[U.S.] / Government information--[U.S.]--Costs / Paperwork Reduction Act

ADDED ENTRY: U.S. Office of Management and Budget.

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TITLE: Information collection budget of the United States Government: fiscal year 1985.

SOURCE: Washington, Executive Office of the President, Office of Management and Budget, 1985. 97 p.

LOCATION: LRS85-8269 LIMITED AVAILABILITY L SDI Loan

NOTES: "The Information Collection Budget (ICB) for FY 1985 is the Federal government's fifth 'paperwork budget' and the fourth to be prepared on a comprehensive government-wide basis under the Paperwork Reduction Act of 1980."

SUBJECT(S): Government paperwork--[U.S.]--Statistics / Government paperwork--[U.S.]--Costs / Federal budgets--[U.S.] / Paperwork Reduction Act

ADDED ENTRY: U.S. Office of Management and Budget.

TITLE: Information resources management plan of the Federal Government.

SOURCE: Washington, U.S. Office of Management and Budget, for sale by the Supt. of Docs., G.P.O., 1991. 251 p.

LOCATION: LRS91-13113 LIMITED AVAILABILITY L SDI LoanL CDU-D

NOTES: "This document, the Information Resources Management (IRM) Plan of the Federal Government, includes information previously published in two separate documents entitled Information Collection Budget of the United States Government and the Five-Year Plan for Meeting the Automatic Data Processing and Telecommunications needs of the Federal Government. The Office of Management and Budget (OMB) has combined these two reports to encourage Federal agencies to establish an approach to information resources management (IRM) that encompasses the management of information and information technology as a more integrated whole."

SUBJECT(S): Government information--[U.S.]--Management / Information technology--[U.S.]--Costs / Information technology--[U.S.]--Management / Government paperwork--[U.S.]--Management / Computers and government--[U.S.]--Management

ADDED ENTRY: U.S. Office of Management and Budget.

TITLE: Job Creation and Wage Enhancement Act: description and bill text of the House Republican Conference Contract with America proposal.

SOURCE: Washington, Library Services Division, Congressional Research Service, 1994. 64 p.

LOCATION: LRS94-11065 HJ 8 U.S. A

NOTES: Downloaded and edited from the CRE6JOBS.DES and CRE6JOBS.BIL Contract with America Files posted on the House Internet Gopher.  
"Small business incentives, capital gains cut and indexation, neutral cost recovery, risk assessment/cost-benefit analysis, strengthening the Regulatory Flexibility Act and unfunded mandate reform to create jobs and raise worker wages."

SUBJECT(S): House party organization / Republican Party / Small business--[U.S.]--Taxation / Depreciation and amortization--[U.S.]--Taxation / Tax incentives--[U.S.]--Law and legislation / Capital gains tax--[U.S.]--Law and legislation / Indexing (Economic policy)--[U.S.]--Law and legislation / Regulatory impact statements--[U.S.]--Law and legislation / Cost effectiveness--[U.S.]--Law and legislation / Government paperwork--[U.S.]--Law and legislation / Intergovernmental fiscal relations--[U.S.]--Law and legislation / Administrative law--[U.S.] /

Regulatory Flexibility Act  
 ADDED ENTRY: House Republican Conference.

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AUTHOR: Kelly, Suedeen G.  
 TITLE: Intrastate natural gas regulation: finding order in chaos.  
 SOURCE: Yale journal of regulation, v. 9, summer 1992: 355-418.  
 LOCATION: LRS92-8474 TN 880 U.S. B

NOTES: "In the mid-1980s, customers threatened to bypass local gas distribution companies in favor of other suppliers and cheaper fuels. In response, states began to reform their natural gas regulatory policies to lower delivered prices to potential bypassers." This article "argues that the most promising means of reform is to unbundle traditional local gas utility services, that is, to make gas transportation services available to customers separately from gas retail sales services." It "provides a thorough analysis of the unbundling policies adopted by state regulators across the nation" and "outlines the best method of maintaining open access to markets, of retaining sufficient regulatory control over local utility companies, and of maximizing competition and minimizing the adverse effects of cost-shifting and stranded investment."

SUBJECT(S): Gas companies--[U.S.]--State laws / Government regulation--[U.S.]--States / Gas pipelines--[U.S.] / Regulatory reform--[U.S.] / Public utility regulation--[U.S.]--States / Energy policy--[U.S.]--States

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AUTHOR: LaBar, Gregg.  
 TITLE: Making safety pay.  
 SOURCE: Occupational hazards, v. 56, June 1994: 33-36.  
 LOCATION: LRS94-8798 HD 7273

NOTES: Examines the cost-benefit debate over workplace safety programs in the private sector.

SUBJECT(S): Occupational health and safety--[U.S.]--Costs / Cost control--[U.S.]

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AUTHOR: Laffer, William G., III.  
 TITLE: George Bush's hidden tax: the explosion in regulation.  
 SOURCE: Washington, Heritage Foundation, 1992. 19 p.  
 (Backgrounder no. 905)  
 LOCATION: LRS92-4939 HD 2754 U.S. A

NOTES: Claims that "America has experienced an enormous growth in regulation over the last three years, due almost entirely to legislation signed by Bush, and to the decisions of officials he has appointed. This burgeoning red tape hinders the economy's recovery and jeopardizes future

economic progress. President Bush belatedly recognized the explosion of re-regulation on January 28, when he declared a ninety-day moratorium on new regulations."

SUBJECT(S): Government regulation--[U.S.]--Costs  
 ADDED ENTRY: Heritage Foundation.

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AUTHOR: Larson, Bruce A. Knudson, Mary K.  
 TITLE: Public regulation of agricultural biotechnology field tests: economic implications of alternative approaches.  
 SOURCE: Washington, U.S. Dept. of Agriculture, Economic Research Service, 1991. 19 p. (Technical bulletin no. 1793)  
 LOCATION: LRS91-11749 SB 160  
 NOTES: Explores four general types of regulatory approaches to limit public risks from field testing: "a fixed-cost regulatory standard, a marginal-cost standard, a property rule (environmental bond), and a liability rule. Our analysis shows that the four approaches are least effective at facilitating the research process while controlling public risks when the research firm is small (defined by wealth relative to potential returns) and the potential damages from the firm's activities exceed the value of the firm. Thus, public regulation of risk is most difficult for small and private biotechnology research firms, the very firms that are playing a central role in bringing new agricultural biotechnologies to market."  
 SUBJECT(S): Agricultural biotechnology--[U.S.]--Research / Government regulation--[U.S.]--Economic aspects / Risk assessment / Environmental protection--[U.S.] / Agricultural research--[U.S.]--Environmental aspects  
 ADDED ENTRY: U.S. Dept. of Agriculture. Economic Research Service

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AUTHOR: Lave, Lester B.  
 TITLE: Regulation to civilize the automobile.  
 SOURCE: Consumers' research, v. 74, Sept. 1991: 15-19.  
 LOCATION: LRS91-6988 HD 9710 U.S. A  
 NOTES: Claims that laws requiring additional automobile safety features, as well as emission controls and fuel efficiency standards, "have increased the cost of manufacturing a car and tended to reduce comfort, performance, and other attributes that consumers desire. The result has been that fewer new cars are sold and used cars are kept longer."  
 SUBJECT(S): Automobile fuel consumption--[U.S.] / Automobiles--[U.S.]--Costs / Motor vehicle pollution control--[U.S.]--Costs / Government regulation--[U.S.]--Costs

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- AUTHOR: Lave, Lester B.  
 TITLE: Risky business: thinking about the benefits and costs of government regulation.  
 SOURCE: American enterprise, v. 3, Nov.-Dec. 1992: 19-22.  
 LOCATION: LRS92-12648 HD 2754 U.S. A
- NOTES: "The regulatory agencies and the Office of Management and Budget are in a state of perpetual conflict about OMB's desire to apply new frameworks to analyze proposed regulations."
- SUBJECT(S): Government regulation--[U.S.]--Costs / Trade regulation--[U.S.]--Costs / Independent regulatory commissions / U.S. Office of Management and Budget
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- AUTHOR: Lehrman, Karen. Pace, Jana.  
 TITLE: Day-care regulation: serving children or bureaucrats.  
 SOURCE: Washington, Cato Institute, 1985. 23 p. (Policy analysis no. 59)  
 LOCATION: LRS85-10893 HV 741 U.S. D
- NOTES: Submits that day care regulations "which vary from state to state and municipality to municipality, can dictate everything from the time a facility opens to the width of the exit door. The intent of these regulations is to ensure minimum health and safety standards for the children and to guarantee responsible care by the day-care provider. Unfortunately, many requirements do little to achieve these aims, while a major effect of regulation has been to raise the cost of day-care services, driving providers underground and limiting the number of children who can benefit. Unnecessary regulations are stifling the supply of day care at a time when the need has never been greater and shows every sign of continuing to surge."
- SUBJECT(S): Day care--[U.S.] / Government regulation--[U.S.]
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- AUTHOR: Lynch, Timothy.  
 TITLE: Our legal system is a minefield.  
 SOURCE: USA today (magazine), v. 122, Mar. 1994: 70-71.  
 LOCATION: LRS94-1727 HD 2754 U.S. A
- NOTES: "It is difficult to calculate how much time, money, and energy are expended every year in an effort to comply with Federal rules and regulations."
- SUBJECT(S): Government regulation--[U.S.]--Legal cases / Government regulation--[U.S.]--Costs
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- AUTHOR: MacDonnell, Lawrence J. Lewis, I. A.  
 TITLE: Government mandated costs: the regulatory burden of environmental, health and safety standards.  
 SOURCE: Resources policy, v. 15, Mar. 1989: 75-100.  
 LOCATION: LRS89-2927 TN 23 A
- NOTES: Briefly reviews the environmental, health, and safety issues associated with metals production that prompted government controls in the U.S., Canada, and other countries, summarizing the legal framework of the U.S. and Canadian controls. Presents information concerning the costs of U.S. regulations and discusses the effect of these government mandated costs on U.S. competitiveness, concluding that "these costs have impaired competitiveness but probably less significantly than other factors."
- SUBJECT(S): Mineral industries--[North America] / Metals / Pollution control--[U.S.]--Economic aspects / Government regulation--[U.S.]--Costs / Mine safety / Competition--[U.S.] / Environmental law and legislation--[North America] / Environmental law and legislation--[Foreign] / Mine safety legislation--[U.S.] / Government regulation--[Canada] / Pollution control--[Foreign]--Costs
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- AUTHOR: McCoy, Frank.  
 TITLE: Rethinking the cost of discrimination.  
 SOURCE: Black enterprise, v. 24, Jan. 1994: 54-59.  
 LOCATION: LRS94-427 HD 6305 B
- NOTES: "Economists discuss how racial issues impact the corporate bottom line."
- SUBJECT(S): Affirmative action programs--[U.S.]--Evaluation / Affirmative action programs--[U.S.]--Costs / Discrimination in employment--[U.S.]--Economic aspects / Black economic status--[U.S.]
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- AUTHOR: Meidinger, Errol.  
 TITLE: The development of emissions trading in U.S. air pollution regulation. In Making regulatory policy. Edited by Keith Hawkins and John M. Thomas.  
 SOURCE: Pittsburgh, University of Pittsburgh Press, 1989. p. 153-194. (Pitt series in policy and institutional studies)  
 LOCATION: LRS89-14033 TP 400 B
- NOTES: "Reviews the development of emissions trading, proposes an explanation, and suggests some potential implications . . . The adoption of emissions trading can be explained partly by the complex, highly detailed nature of prior Clean Air Act regulation, partly by the cost-savings market mechanisms offer, and partly by efforts of regulatory agencies to preserve their legitimacy." But a key force in

the process has been the development and spread of a distinctive regulatory culture.

SUBJECT(S): Emissions trading--[U.S.] / Air pollution control--[U.S.]--  
Economic aspects / Government regulation--[U.S.] / Air  
quality--[U.S.]--Standards / Air pollution control--[U.S.]--  
-Costs / Clean Air Act

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AUTHOR: Merline, John W.  
TITLE: Ten ways Congress can help the U.S. consumer.  
SOURCE: Washington, Heritage Foundation, 1989. 9 p. (Backgrounder  
no. 702)  
LOCATION: LRS89-2351 HD 2754 U.S. A

NOTES: Claims that consumers themselves, rather than government  
regulations, should determine how goods and services are  
produced. Calls for removal of tariffs and quotas on  
imports, deregulation of oil and gas prices, repeal of laws  
which separate commercial and investment banking, phasing  
out of farm subsidies, and an end to the U.S. Postal  
Service mail delivery monopoly.

SUBJECT(S): Government regulation--[U.S.]--Costs / Consumers--[U.S.] /  
Banking law--[U.S.]  
ADDED ENTRY: Heritage Foundation.

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AUTHOR: Miniter, Richard.  
TITLE: The shifting ground of property rights.  
SOURCE: Insight (Washington times), v. 9, Aug. 23, 1993: 4-12.  
LOCATION: LRS93-7045 JC 605

NOTES: "In the current surge in regulatory activity, many property  
owners are losing out. Governments often render property  
useless--without compensating owners--in an effort to  
preserve historic spots or protect species. But, through  
changing legal interpretations and the work of [the U.S.  
Court of Federal Claims], many owners are forcing the  
federal government to compensate them, sometimes to the  
tune of millions of dollars, in a trend that may wake the  
government up to the real costs of regulation."

SUBJECT(S): Claims--[U.S.]--Legal cases / Eminent domain--[U.S.]--Legal  
cases / Right of property--[U.S.]--Legal cases / Government  
regulation--[U.S.]--Costs / Courts of special jurisdiction--  
-[U.S.] / U.S. Court of Federal Claims

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AUTHOR: Mitchell, Daniel J.  
TITLE: The deadly impact of federal regulations.  
SOURCE: Journal of regulation and social costs, v. 2, June 1992: 45  
-56.  
LOCATION: LRS92-5852 HD 2754 U.S. A

NOTES: Details the costs of government regulation, supporting the Office of Information and Regulatory Affairs (a division of OmB) which "recently suspended health regulations being proposed by the Occupational Safety and Health Administration (OSHA). In taking this action OIRA asked OSHA to study the indirect effects the regulation might have on income and health."

SUBJECT(S): Government regulation--[U.S.]--Costs

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AUTHOR: Moore, W. John.  
 TITLE: Mandates without money.  
 SOURCE: National journal, v. 18, Oct. 4, 1986: 2366-2370.  
 LOCATION: LRS86-8711 HJ 275 A

NOTES: "The rules of federalism are changing. The federal government no longer links direct mandates to state and local governments with the carrot of federal aid."

SUBJECT(S): Intergovernmental fiscal relations--[U.S.] / Government regulation--[U.S.]--Costs / Federal aid programs--[U.S.]

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AUTHOR: National Performance Review (U.S.)  
 TITLE: From red tape to results: creating a government that works better & costs less: report.  
 SOURCE: Washington, The Review, for sale by the Supt. of Docs., G.P.O., 1993. 168 p.  
 LOCATION: LRS93-7501 JK 517 L

NOTES: Proposes redesigning the Federal bureaucracy as an "effective, entrepreneurial government" by cutting red tape, putting customers first, empowering employees to get results, and cutting back to basics.

SUBJECT(S): Executive reorganization--[U.S.] / Total quality management --[U.S.] / Government spending reductions--[U.S.] / Government paperwork--[U.S.] / Bureaucracy--[U.S.] / Executive departments--[U.S.]--Management / Executive departments--[U.S.]--Costs / Clinton Administration

ADDED ENTRY: Gore, Al.

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TITLE: A national policy of "no net loss" of wetlands: what do agricultural economists have to contribute?  
 SOURCE: Washington, U.S. Dept. of Agriculture, Economic Research Service, 1991. 40 p. (Staff report no. AGES 9149)  
 LOCATION: LRS91-11379 GC 20 C

NOTES: "Most wetlands lost recently were converted for agricultural production. President Bush proposed "no net loss" as a national goal, meaning that restoring wetlands

must complement conserving wetlands to offset unavoidable losses. This symposium explored how "no net loss" might operate and the economist's role in developing this policy. Wetland policy evolution, costs of acquiring public rights to wetlands, valuing wetland benefits, and alternatives to existing institutional mechanisms for controlling wetland loss were discussed."

SUBJECT(S): Wetland conservation--[U.S.]--Economic aspects / Government regulation--[U.S.]--Costs / Easements--[U.S.] / Valuation / Wetland restoration--[U.S.] / Real estate development--[U.S.]--Fees / Bush Administration

ADDED ENTRY: Heimlich, Ralph E.

AUTHOR: Neely, Alfred S., IV.  
 TITLE: Statutory inhibitions to the application of principles of cost/benefit analysis in administrative decision making. In Administrative Conference of the United States recommendations and reports, 1985.  
 SOURCE: [Washington] The Conference [1985] p. 37-106.  
 LOCATION: LRS86-7418 JK 821 D

NOTES: "Background report for recommendation 85-1"  
 "The purpose of this study was to identify instances under federal law in which statutes constitute barriers to the application of the principles of cost/benefit analysis in administrative decision making, to examine some selected statutory barriers and to assess the need for and desirability of their retention or change."

SUBJECT(S): Cost effectiveness--[U.S.]--Law and legislation / Administrative procedure--[U.S.]--Law and legislation / Regulatory impact statements--[U.S.]--Law and legislation / Decision making in public administration--[U.S.] / Executive Order 12291

ADDED ENTRY: Administrative Conference of the United States

AUTHOR: Nicoletti, Giuseppe, Oliveira-Martins, Joaquim.  
 TITLE: Global effects of the European carbon tax.  
 SOURCE: Paris: Organisation for Economic Co-operation and Development, 1992. 35 p. (Economics Department working papers no. 125)  
 LOCATION: LRS92-12306 TP 400 D

NOTES: Using the GREEN simulation model, this paper analyzes "the implications of the European Commission proposal of a mixed energy cum carbon tax to curb CO2 emissions from a global perspective. The paper deals with the effects of this proposal on emissions and welfare in both the EC and the rest of the world by concentrating on three main issues: 1) the effectiveness of the proposed tax measures in terms of curbing EC and global CO2 emissions; 1) the implied costs

for the EC and the other countries/regions of the world; and iii) implications of the EC proposal for the world distribution of emissions and the competitiveness of the EC economy . . . . The relevance of the so-called 'carbon leakages' --i.e. the displacement of polluting activities from countries participating in an emission reduction agreement to countries not concerned by the agreement--is examined."

SUBJECT(S): Greenhouse effect--Economic aspects / Fossil fuels--[EEC countries]--Taxation / Air pollution control--[EEC countries]--Costs / Pollution taxes--[EEC countries] / Economic impact statements--[EEC countries] / Mathematical models--[OECD countries] / Carbon dioxide  
 ADDED ENTRY: Organisation for Economic Co-operation and Development.

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AUTHOR: Nixon, Judy C. West, Judy F.  
 TITLE: Cost reductions from a smoking policy.  
 SOURCE: Employee benefits journal, v. 14, Mar. 1989: 26-30.  
 LOCATION: LRS89-2492 HV 5740

NOTES: "The purpose of this article is to provide a brief background about smoking trends, explain why businesses should implement smoking policies, describe types of policies that have been adopted, outline guidelines for developing and implementing policies and discuss cost reductions to employers and employees."

SUBJECT(S): Smoking--[U.S.]--Costs / Cost control--[U.S.] / Occupational health and safety--[U.S.]

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AUTHOR: Noble, Charles.  
 TITLE: Economic theory in practice: White House oversight of OSHA health standards. In Confronting values in policy analysis: the politics of criteria. Frank Fischer and John Forester, editors.  
 SOURCE: Beverly Hills, Calif., Sage publications, c1987. (Sage yearbook in politics and public policy, v. 14) p. 266-284.  
 LOCATION: LRS87-11526 HD 7273

NOTES: Examines "how cost-benefit and cost-effectiveness analyses have shaped the debate over health standard setting by the Occupational Safety and Health Administration." The author "considers the implications of the White House review program for democratic policymaking in America and suggests that it poses a serious challenge to those who support democratic control of social policy and citizen participation in the exercise of public authority."

SUBJECT(S): Occupational health and safety--[U.S.]--Standards / Regulatory impact statements--[U.S.] / Cost effectiveness--[U.S.] / Decision making in public administration--[U.S.] /

Presidential aides--Management / Reagan Administration /  
 U.S. Occupational Safety and Health Administration / U.S.  
 Office of Management and Budget. / Executive Order 12291

AUTHOR: Novotny, Kenneth.  
 TITLE: Deregulation of electric bulk power.  
 SOURCE: Social science journal, v. 28, Apr. 1989: 189-197.  
 LOCATION: LRS89-2812 TK 215 U.S. B

NOTES: "Reformers have proposed ending regulation of the large electrical generators, the so-called bulk power. Critics of regulation allege that the problems come from: (1) direct costs of regulation, (2) inefficiency incentives, and (3) smokescreens. They advocate the benefits of competition. While acknowledging that regulation does cause some of these problems, the author argues that the industry can never be competitive because it is difficult for new companies to enter, capital costs are high and transmission is restricted physically as well as legally. He concludes that the present imperfect regulation is better than the proposed imperfect competition."

SUBJECT(S): Electric utilities--[U.S.]--Law and legislation / Electric power production--[U.S.]--Costs / Competition--[U.S.] / Government regulation--[U.S.]

AUTHOR: Palczynski, Richard W.  
 TITLE: Coping with the crisis.  
 SOURCE: Best's review: property/casualty insurance edition, v. 93, Nov. 1992: 69-70, 99.  
 LOCATION: LRS92-14806 HD 7814 U.S.

NOTES: "Employers, working with their insurers, can alleviate the workers' comp[ensation] crisis with a comprehensive program focused on improving safety and reducing legal and medical care costs."

SUBJECT(S): Workers' compensation--[U.S.]--Costs / Occupational health and safety--[U.S.]

AUTHOR: Payne, James L.  
 TITLE: Unhappy returns: the \$600-billion tax ripoff.  
 SOURCE: Policy review, no. 59, winter 1992: 18-24.  
 LOCATION: LRS92-557 HJ 4825 U.S. A

NOTES: "Federal taxation costs consumers and businesses more than just the amount paid directly to the IRS--approximately \$818 billion more in 1990, according to James L. Payne, director of Lytton Research and Analysis. Payne found that the cost of keeping tax records and preparing tax returns, as well as the costs in lost productivity due to high

taxation, mean that every federal tax dollar collected in 1990 actually cost the economy \$1.65. The federal government collected \$1,031 trillion in 1990."

SUBJECT(S): Tax returns--[U.S.]--Costs / Business records--[U.S.] / Tax administration--[U.S.]--Costs / Tax auditing--[U.S.]--Costs / Government paperwork--[U.S.]--Costs / Waste in government spending--[U.S.]

AUTHOR: Premus, Robert.  
 TITLE: Socioeconomic regulations and the Federal procurement market; a study.  
 SOURCE: Washington, G.P.O., 1985. 62 p. (Print, Senate, 98th Congress, 2nd session, joint committee print S. Prt. 98-268)  
 LOCATION: LRS85-367 CONGRESSIONAL PUBLICATION JK 1691  
 NOTES: Prepared for the Joint Economic Committee.  
 SUBJECT(S): Government procurement--[U.S.] / Small business--[U.S.] / Public contracts--[U.S.] / Competition--[U.S.] / Trade regulation--[U.S.]--Costs / Entrepreneurs--[U.S.] / Government regulation--[U.S.]--Costs / Handicapped / Employment of the handicapped--[U.S.]  
 ADDED ENTRY: U.S. Congress. Joint Economic Committee.

AUTHOR: Rubin, Paul H. Murphy, R. Dennis. Jarrell, Gregg.  
 TITLE: Risky products, risky stocks.  
 SOURCE: Regulation, v. 12, no. 1, 1988: 35-39.  
 LOCATION: LRS88-5312 HC 110 B 2  
 NOTES: Examines "the costs of product recalls by the Consumer Product Safety Commission (CPSC) as reflected in the market value of affected firms." Concludes "the CPSC spends about 15 percent of its resources on recalls, even though the defective products involved cause no more than two-tenths of one percent of the deaths associated with products under CPSC jurisdiction . . . . Recalls impose large costs on firms and ultimately on consumers . . . . The only way to correct these problems is to perform quantitative analyses of the costs and benefits of all CPSC actions."  
 SUBJECT(S): Defective products--[U.S.] / Product safety--[U.S.] / Stocks--[U.S.]--Prices / Consumer protection--[U.S.]--Costs / Cost effectiveness--[U.S.] / Government regulation--[U.S.] / U.S. Consumer Product Safety Commission

- AUTHOR: Sagoff, Mark.  
 TITLE: Where Ickes went right or reason and rationality in environmental law.  
 SOURCE: Ecology law quarterly, v. 14, no. 2, 1987: 285-323.  
 LOCATION: LRS97-6065 TP 450 U.S. B 1
- NOTES: "My purpose in this Perspective is to propose a conceptual framework within which to reconcile the ethical and economic analyses of public policy. I hope to suggest how both of these approaches can contribute to the reform of environmental law and social regulation." Considers four approaches to public policy: market, rights, paternalism, and public value accounts of environmental regulation and suggests a framework for relating ends and means that does not depend on strict cost-benefit analysis.
- SUBJECT(S): Environmental law and legislation--[U.S.] / Environmental policy--[U.S.] / Environmental protection--[U.S.]--Economic aspects / Economic development--[U.S.]--Environmental aspects / Government regulation--[U.S.]--Evaluation
- 
- AUTHOR: Scarlett, Lynn.  
 TITLE: RCRA solid waste regulation: the problem with "one-size-fits-all".  
 SOURCE: Journal of regulation and social costs, v. 1, June 1991: 49-73.  
 LOCATION: LRS91-6631 TP 995 B
- NOTES: "The emerging federal solid waste legislation is problematic. In substance, the emphasis on a hierarchical approach with source reduction and recycling at the apex implies a trend toward a national materials management policy. That is, rather than focusing on how to dispose of post-consumer discards, the focus has become one of influencing materials use and consumption patterns, with decisions about materials usage to be driven largely by solid waste management concerns."
- SUBJECT(S): Refuse and refuse disposal--[U.S.]--Law and legislation / Recycling of waste products--[U.S.]--Law and legislation / Waste reduction--[U.S.]--Law and legislation / Federal-state relations--[U.S.] / Refuse and refuse disposal--[U.S.]--Costs / Packaging--[U.S.] / Government regulation--[U.S.] / Resource Conservation and Recovery Act--Authorization
- 
- AUTHOR: Scherer, Robert F. Kaufman, Daniel J. Ainsina, M. Fall.  
 TITLE: Complaint resolution by OSHA in small and large manufacturing firms.  
 SOURCE: Journal of small business management, v. 31, Jan. 1993: 73-82.  
 LOCATION: LRS93-4051 HD 7273

NOTES: Identifies "potential differences in OSHA compliance processes used in small and large businesses. The research specifically focuses on one aspect of the compliance issue, the inspection and complaint resolution process."

SUBJECT(S): Occupational health and safety--[U.S.] / Small business--[U.S.]--Costs / U.S. Occupational Safety and Health Administration

AUTHOR: Seligman, Daniel.  
 TITLE: How much money is your life worth?  
 SOURCE: Fortune, v. 113, Mar. 3, 1986: 25-27.  
 LOCATION: LRS86-3155 HC 110 B 2

NOTES: "A lot of people are offended by the question, but it actually seems to be answerable, and some perfectly serious people in Washington are delivering answers these days. Their answers make more sense than the big numbers some juries have been serving up."

SUBJECT(S): Defective products--[U.S.]--Costs / Liability (Law)--[U.S.] / Occupational health and safety--[U.S.]--Costs / Cost accounting--[U.S.] / Death and dying--[U.S.]

AUTHOR: Stroup, Richard L. Goodman, John C.  
 TITLE: Making the world less safe: the unhealthy trend in health, safety, and environmental regulation.  
 SOURCE: Dallas, National Center for Policy Analysis, 1989. 33 p. (NCPA policy report no. 137)  
 LOCATION: LRS89-4305 TP 450 U.S. B 1

NOTES: Argues that when Federal and State agencies ban suspected carcinogenic products, the public often turns to other products that are less safe. Cites bans on EDB, DDT, and California well water as examples of hazards for which replacements were more hazardous. Condemns California's Proposition 65. Emphasizes that risks must be viewed in perspective.

SUBJECT(S): Government regulation--[U.S.]--Economic aspects / Carcinogens--[U.S.]--Evaluation / Environmental policy--[U.S.]--Evaluation / Food law and legislation--[U.S.] / Risk assessment--[U.S.] / Consumer protection--[U.S.]--Costs / Toxic substances legislation--[California]--State laws

TITLE: Survey of regulation of the Wolf Creek Nuclear Power Plant.  
 SOURCE: University of Kansas law review, v. 33, spring 1985: 419-254.  
 LOCATION: LRS85-8488 L SDI Loan

NOTES: Partial contents.--Allocating the cost of constructing excess capacity: "who will have to pay for it all?" by R. Glicksman.--Citizen perspective in the Wolf Creek rate case, by K. Wiens.--Equal rights for citizens before administrative agencies, by J. Simpson.--Nuclear power--the waste disposal dilemma, by E. Angino.

SUBJECT(S): Nuclear power plants--[Kansas]--Costs / Electric utility rates--[Kansas] / Government regulation--[U.S.]--Economic aspects / Administrative procedure--[U.S.] / Radioactive waste disposal--[U.S.] / Citizen participation--[U.S.]

AUTHOR: Thompson, Robert L.  
 TITLE: Agriculture: growing government control. In Assessing the Reagan years. Edited by David Boaz. Washington, Cato Institute, 1988. p. 243-249.  
 LOCATION: LRS88-14844 S U.S. F

NOTES: "An administration that wanted to get the government out of the marketplace has gotten the government far more deeply involved in the marketplace than it's been in recent decades." Discusses Federal agricultural expenditures during the Reagan years and calls for decoupling and an end to commodity certificates.

SUBJECT(S): Agricultural policies--[U.S.]--Evaluation / Reagan Administration / Government regulation--[U.S.]--Trends / Agricultural law and legislation--[U.S.] / Agricultural price supports--[U.S.]--Costs / Agriculture in foreign trade--[U.S.] / Food Security Act

AUTHOR: U.S. Congress. House. Committee on Banking, Finance and Urban Affairs.  
 TITLE: Thrift industry regulation. Hearing, 102nd Congress, 2nd session. May 1, 1992.  
 SOURCE: Washington, G.P.O., 1993. 314 p.  
 LOCATION: LRS93-1742 CONGRESSIONAL PUBLICATION RBC 4488

NOTES: "Serial no. 102-117"

SUBJECT(S): Savings and loans associations--[U.S.] / Savings deposit--[U.S.] / Deposit insurance--[U.S.] / Banking law--[U.S.] / Government regulation--[U.S.]--Costs / Bank loans--[U.S.] / Resolution Trust Corporation / Savings Association Insurance Fund / Federal Deposit Insurance Corporation Improvement Act

AUTHOR: U.S. Congress. House. Committee on Banking, Finance and Urban Affairs. Subcommittee on Financial Institutions Supervision, Regulation and Deposit Insurance.

TITLE: FFIEC study on regulatory burden. Hearing, 103d Congress, 1st session, Feb. 18, 1993.

SOURCE: Washington, G.P.O., 1993. 63 p.

LOCATION: LRS93-2300 CONGRESSIONAL PUBLICATION RBC 4598

NOTES: "Serial no. 103-8"

SUBJECT(S): Banking law--[U.S.]--Costs / Financial deregulation--[U.S.] / Government regulation--[U.S.]--Costs / Trade regulation--[U.S.]--Costs / Financial institutions--[U.S.] / Bank examination--[U.S.] / Public records--[U.S.] / Government paperwork--[U.S.]--Costs / Federal Deposit Insurance Corporation Improvement Act / U.S. Federal Financial Institutions Examination Council

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AUTHOR: U.S. Congress. House. Committee on Energy and Commerce. Subcommittee on Energy and Power.

TITLE: National energy strategy (part 2). Hearings, 102nd Congress, 1st session, Apr. 10-May 8, 1991.

SOURCE: Washington, G.P.O., 1991. 872 p.

LOCATION: LRS91-10888 CONGRESSIONAL PUBLICATION RBC 1154

NOTES: "Serial no. 102-37"  
"Uranium enrichment (H.R. 145, H.R. 788); nuclear power issues (H.R. 1301, H.R. 1543)."

SUBJECT(S): Nuclear energy policy--[U.S.] / Uranium enrichment--[U.S.]--Law and legislation / Government regulation--[U.S.]--Law and legislation / Cost accounting--[U.S.] / Radioactive waste disposal in the ground--[Nevada] / Exclusive and concurrent legislative powers--[U.S.] / Nuclear power plants--[U.S.]--Licenses / Regulatory reform--[U.S.] / Citizen participation--[U.S.] / Energy policy--[U.S.] / U.S. Dept. of Energy / U.S. Nuclear Regulatory Commission / Uranium Enrichment Enterprise / National Energy Strategy Act (Proposed) / Comprehensive Energy Policy Act (Proposed) / Uranium Enrichment Reorganization Act (Proposed)

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AUTHOR: U.S. Congress. House. Committee on Energy and Commerce. Subcommittee on Transportation and Hazardous Materials.

TITLE: Effect of Midwest flooding on rail transportation. Hearing, 103d Congress, 1st session, Sept. 23, 1993.

SOURCE: Washington, G.P.O., 1994. 154 p.

LOCATION: LRS94-4667 AVAILABLE FROM COMMITTEE RBC 6560

NOTES: "Serial no. 103-82"

SUBJECT(S): Flood damage--[North Central States] / Railroad maintenance and repair--[North Central States]--Costs / Railroads--

[North Central States]--Costs / Right-of-way--[U.S.] / Federal aid to transportation--[North Central States] / Disaster relief--[North Central States] / Railroad abandonments--[U.S.] / Railroads and state--[U.S.] / Trails--[U.S.] / Railroad accidents--[Mobile, Ala.] / Amtrak / Sunset Limited

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AUTHOR: U.S. Congress. House. Committee on Government Operations, Commerce, Consumer, and Monetary Affairs Subcommittee.  
 TITLE: The credit crunch and regulatory burdens in bank lending. Hearing, 103d Congress, 1st session, Mar. 17-May 10, 1993. Washington, G.P.O., 1993. 947 p.  
 SOURCE: Washington, G.P.O., 1993. 947 p.  
 LOCATION: LRS93-7419 CONGRESSIONAL PUBLICATION RBC 5243  
 SUBJECT(S): Credit--[U.S.] / Consumer credit--[U.S.] / Banking law--[U.S.] / Banking loans--[U.S.] / Financial deregulation--[U.S.] / Bank capital--[U.S.] / Government regulation--[U.S.]--Costs / Bank failures--[U.S.] / Office buildings--[U.S.] / Real estate business--[U.S.] / Bank examinations--[U.S.] / Bank marketing--[U.S.]

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AUTHOR: U.S. Congress. House. Committee on Science, Space, and Technology. Subcommittee on Natural Resources, Agriculture Research and Environment.  
 TITLE: National Acid Precipitation Assessment Program. Hearing, 100th Congress, 2nd session, Apr. 27, 1988. Washington, G.P.O., 1988. 247 p.  
 SOURCE: Washington, G.P.O., 1988. 247 p.  
 LOCATION: LRS88-10179 CONGRESSIONAL PUBLICATION RBC 2628  
 NOTES: "No. 125"  
 SUBJECT(S): Acid precipitation (Meteorology)--[U.S.]--Research / Government paperwork--[U.S.]--Evaluation / Environmental policy--[U.S.]--Evaluation / Independent regulatory commissions / Environmental research--[U.S.]--Costs / National Acid Precipitation Assessment Program (U.S.)

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AUTHOR: U.S. Congress. House. Committee on Small Business.  
 TITLE: The Regulatory Flexibility Act. Hearing, 103d Congress, 1st session, July 28, 1993. Washington, G.P.O., 1993. 269 p.  
 SOURCE: Washington, G.P.O., 1993. 269 p.  
 LOCATION: LRS93-11832 CONGRESSIONAL PUBLICATION RBC 5773  
 NOTES: "Serial no. 103-38."  
 SUBJECT(S): Regulatory reform--[U.S.] / Government paperwork--[U.S.]--Costs / Small business--[U.S.]--Costs / Regulatory Flexibility Act

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AUTHOR: U.S. Congress. House. Committee on Small Business. Subcommittee on Export Opportunities and Special Small Business Problems.  
 TITLE: Implementation of the Regularly Flexibility Act. Hearings, 99th Congress, 2nd session.  
 SOURCE: Washington, G.P.O., 1987. 394 p.  
 LOCATION: LRS87-265 CONGRESSIONAL PUBLICATION RBC 2978  
 NOTES: Hearings held in Washington, DC, Apr. 16 and May 22, 1986.  
 SUBJECT(S): Small business--[U.S.]--Costs / Regulatory reform--[U.S.] / Government paperwork--[U.S.] / Regulatory Flexibility Act

AUTHOR: U.S. Congress. Senate. Committee on Banking, Housing, and Urban Affairs.  
 TITLE: Strengthening America to compete in the global economy. Joint hearings before the Committee on Banking, Housing, and Urban Affairs [and] Joint Economic Committee, United States Senate, 102nd Congress, 2nd session.  
 SOURCE: Washington, G.P.O., 1993. 955 p.  
 LOCATION: LRS93-818 CONGRESSIONAL PUBLICATION RBC 4281  
 NOTES: Hearings held on Mar. 4, 1992--First annual report of the Competitiveness Policy Council; Apr. 7--Decline of the U.S. global competitiveness; Apr. 17, 30--The effect of the decline in the Japanese markets on the U.S. economy; July 22, 23--The state of the U.S. economy and America's global competitive position; Aug. 12--Future of the American workforce; Sept. 8--The competitiveness in the U.S. auto industry.  
 SUBJECT(S): International competitiveness--[U.S.] / Saving and investment--[U.S.] / Manpower training programs--[U.S.] / Business--[U.S.]--Costs / Industrial policy--[U.S.]  
 ADDED ENTRY: Competitiveness Policy Council (U.S.), U.S. Congress. Joint Economic Committee.

AUTHOR: U.S. Congress. Senate. Committee on Governmental Affairs.  
 TITLE: U.S. Department of the Interior: environmental problems and issues: report.  
 SOURCE: Washington, G.P.O., 1993. 28 p. (Print, Senate, 103d Congress, 1st session, committee print S. Prt. 103-47)  
 LOCATION: LRS93-9396 CONGRESSIONAL PUBLICATION RBC 5325  
 NOTES: Problems at Interior that pose potentially serious health and safety risks include: soil, air, and water contamination from mines and smelters are killing grazing cattle and horses; deaths and injuries from mine hazards; high rate of employee chemical exposure injury and illness; landfills and open dumps pose risks of exposure and injury; danger of unexploded ordnance; mercury contamination from

oil and gas wells.

**SUBJECT(S):** Executive departments--[U.S.]--Environmental aspects / Mine wastes--[U.S.]--Health aspects / Hazardous waste disposal--[U.S.]--Costs / Waste disposal sites--[U.S.]--Health aspects / Environmental policy--[U.S.] / Industrial pollution--[U.S.]--Health aspects / Occupational health and safety--[U.S.] / U.S. Dept. of the Interior--Environmental aspects / U.S. Bureau of Land Management

**AUTHOR:** U.S. Congress. Senate. Committee on Governmental Affairs. Subcommittee on Government Efficiency, Federalism, and the District of Columbia.  
**TITLE:** Reauthorization of the State and Local Government Cost Estimate Act of 1981. Hearing, 100th Congress, 1st session on S. 1530. July 30, 1987.  
**SOURCE:** Washington, G.P.O., 1987. 69 p. (Hearing, Senate, 100th Congress, 1st session, S. Hrg. 100-192)  
**LOCATION:** LRS87-10278 CONGRESSIONAL PUBLICATION RBC 523  
**SUBJECT(S):** Federal aid programs--[U.S.]--Costs / Federal aid programs--[U.S.]--Law and legislation / Economic impact statements--[U.S.]--Law and legislation / Economic impact statements--[U.S.]--States / Cost effectiveness--[U.S.]--States / Cost effectiveness--[U.S.]--Law and legislation / State and Local Government Cost Estimate Act / U.S. Congressional Budget Office

**AUTHOR:** U.S. Dept. of Energy.  
**TITLE:** Recommendations for management of greater-than-class-C low-level radioactive waste; report to Congress in response to Public Law 99-240.  
**SOURCE:** Washington, The Dept., 1987. ca. 50 p. in various pagings  
**LOCATION:** LRS87-14488 QC 170 U.S. F  
**NOTES:** "DOE/NE-0077"  
 Identifies radioactive waste involved, and Federal and non-federal options for radioactive waste disposal. Also describes the actions proposed to ensure safe disposal of these wastes, and the projected costs of such actions.  
**SUBJECT(S):** Radioactive wastes--[U.S.]--Management / Radioactive waste disposal--[U.S.]--Costs / Government regulation--[U.S.] / Nuclear reactors--[U.S.] / U.S. Dept. of Energy

AUTHOR: U.S. General Accounting Office.  
 TITLE: Data collection: opportunities to improve USDA's farm costs and returns survey: report to the Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate. July 30, 1992.  
 SOURCE: Washington, G.A.O., 1992. 44 p.  
 LOCATION: LRS92-6700 LIMITED AVAILABILITY 2nd Flr. Copy Center

NOTES: "GAO/RCED-92-175, B-248279"  
 Among recommendations made to improve the quality and reliability of the FCRS and its estimates: "(1) adopt a method of calculating response rates that excludes individuals who do not qualify as farmers; (2) determine if nonrespondents and respondents are significantly different in order to identify any potential bias in the estimates; (3) evaluate the level of data editing and imputation that occurs in the survey so that data users will know how much information is obtained from the survey's respondents and how much is obtained from other sources; (4) change the definition of a farm to eliminate small farms from the FCRS"

SUBJECT(S): Surveys--[U.S.] / Agricultural statistics--[U.S.] / Agriculture--[U.S.]--Costs / Farm income--[U.S.] / Government paperwork--[U.S.] / U.S. Dept. of Agriculture

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AUTHOR: U.S. General Accounting Office.  
 TITLE: The Department of the Interior's Office of Surface Mining should more fully recover or eliminate its costs of regulating coal mining: report to the Chairman, Subcommittee on Environment, Energy, and Natural Resources, Committee on Government Operations, House of Representatives by the Comptroller General of the United States. May 28, 1985.  
 SOURCE: Washington, G.A.O., 1985. 109 p.  
 LOCATION: LRS85-4745 LIMITED AVAILABILITY 2nd Flr. Copy Center

NOTES: "GAO/RCED-85-33"  
 "This report discusses the costs that the Department of the Interior's Office of Surface Mining incurs for regulating coal mining, measures which the office could use to recover or eliminate much of these costs, and the impact that recovering these costs by the office and states would have on coal production and demand."

SUBJECT(S): Strip mining--[U.S.]--Law and legislation / Mining law--[U.S.]--Economic aspects / Reclamation of land--[U.S.] / Government regulation--[U.S.]--Costs / Coal mines and mining--[U.S.] / U.S. Office of Surface Mining, Reclamation, and Enforcement. / Surface Mining Control and Reclamation Act

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AUTHOR: U.S. General Accounting Office.  
 TITLE: FAA information technology: complete cost data not provided to OMB; report to the chairman, Subcommittee on Transportation and Related Agencies, Committee on Appropriations, U.S. Senate. Jan. 18, 1991.  
 SOURCE: Washington, G.A.O., 1991. 9 p.  
 LOCATION: LRS91-1028 LIMITED AVAILABILITY 2nd Flr. Copy Center

NOTES: "GAO/IMTEC-91-22, B-242115"  
 "The Federal Aviation Administration (FAA) invests billions of dollars in information technology such as computer and communications systems. In response to your request of July 3, 1990, we reviewed whether FAA is properly reporting the costs of these resources, as required by the Office of Management and Budget (OMB)."

SUBJECT(S): Information technology--[U.S.]--Costs / Air traffic control --[U.S.] / Government paperwork--[U.S.] / U.S. Federal Aviation Administration

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AUTHOR: U.S. General Accounting Office.  
 TITLE: Federal workforce: Federal Employees' Compensation Act cost growth and workplace safety; report to the Ranking Minority Member, Subcommittee on Federal Services, Post Office, and Civil Service, Committee on Governmental Affairs, U.S. Senate. Oct. 20, 1988.  
 SOURCE: Washington, G.A.O., 1988. 27 p.  
 LOCATION: LRS88-11320 LIMITED AVAILABILITY 2nd Flr. Copy Center

NOTES: "GAO/GGD-89-4, B-231287"  
 "The Federal Employees' Compensation Act (FECA), passed in 1916, established a program to compensate federal employees who become injured or disabled on the job . . . . The cost of the federal workers' compensation program increased 78 percent from 1979 to 1987. However, when stated in constant 1979 dollars, the program costs increased only 13 percent during the 9-year period. The cost increase occurred during the time Labor was reducing a large backlog of cases that had accumulated . . . . According to statistics compiled by Labor's Occupational Safety and Health Administration, the trend in work-related injuries and illnesses in the federal workplace is downward."

SUBJECT(S): Federal employees--[U.S.]--Safety measures / Federal employees--[U.S.]--Medical care / Federal employees--[U.S.]--Costs / Workers' compensation--[U.S.]--Costs / Occupational health and safety--[U.S.]--Statistics / Federal Employees' Compensation Act / U.S. Office of Workers' Compensation Programs

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AUTHOR: U.S. General Accounting Office.  
 TITLE: Mail management: GSA needs to improve support of agency programs; report to the chairman, Subcommittee on Federal Services, Post Office, and Civil Service, Committee on Governmental Affairs, U.S. Senate. Aug. 7, 1990.  
 SOURCE: Washington, G.A.O., 1990. 48 p.  
 LOCATION: LRS90-8083 LIMITED AVAILABILITY 2nd Flr. Copy Center

NOTES: "GAO/GGD-90-49, B-238466"  
 Report "assesses GSA's role in supporting agency mail systems and opportunities for achieving cost reductions through improved GSA support. It contains recommendations to the GSA Administrator aimed at improving GSA's leadership in federal mail management."

SUBJECT(S): Postal service--[U.S.]--Costs / Government paperwork--[U.S.]--Costs / Office management--[U.S.]--Costs / Government spending reductions--[U.S.] / U.S. General Services Administration

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AUTHOR: U.S. General Accounting Office.  
 TITLE: Medicaid: determining cost-effectiveness of home and community-based service; report to the administrator, Health Care Financing Administration, Department of Health and Human Services. Apr. 28, 1987.  
 SOURCE: Washington, G.A.O., 1987. 20 p.  
 LOCATION: LRS87-3084 LIMITED AVAILABILITY 2nd Flr. Copy Center

NOTES: "GAO/HRD-87-61, B-208492"  
 "While HCFA's revised reporting requirements should improve the accuracy of states' program information [GAO] recommend[s] that HCFA develop information on the extent to which the program prevents or postpones the need for nursing home care. Without such information, the program's cost-effectiveness cannot be adequately evaluated."

SUBJECT(S): Medicaid--Evaluation / Home care services--[U.S.]--Costs / Community health services--[U.S.]--States / Government paperwork--[U.S.]--States

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AUTHOR: U.S. General Accounting Office.  
 TITLE: Pell Grant validation imposes some costs and does not greatly reduce award errors: new strategies are needed; report to the Honorable Paul Simon, United States Senate. Sept. 27, 1985.  
 SOURCE: Washington, G.A.O., 1985. 156 p.  
 LOCATION: LRS85-9131 LIMITED AVAILABILITY 2nd Flr. Copy Center

NOTES: "GAO/PEMD-85-10"  
 "The Department's studies, while limited in some respects, identify continuing problems with award accuracy. The error is sizable: underawards and overawards totaled an

estimated \$649 million in 1982-83, despite the increased validation. The error is also persistent: the proportion of cases with student error has not decreased. Further, the Department's policy focused on student error and on overawards rather than on both institutional and student error and on both overawards and underawards. A review of Department policies and procedures shows that improvements are needed in specifying error-reduction goals, developing and testing a broader set of strategies to meet these goals, coordinating the management of error-reduction efforts, and evaluating their effects."

SUBJECT(S): Student aid--[U.S.]--Costs / Government paperwork--[U.S.]

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AUTHOR: U.S. General Accounting Office.  
 TITLE: Public lands: Interior should recover the costs of recording mining claims; report to the Secretary of the Interior. Sept. 1986.  
 SOURCE: Washington, G.A.O., 1986. 8 p.  
 LOCATION: LRS86-7726 LIMITED AVAILABILITY 2nd Flr. Copy Center

NOTES: "GAO/RCED-86-217"  
 Reviews the Bureau of Land Management's cost recovery analyses of its mining claim recording fee, which was designed to recover costs associated with recording mining claims. The \$5 fee has not recovered program costs; GAO believes a new cost recovery analysis should be done and Interior's cost recovery guidelines should be followed.

SUBJECT(S): Mining claims--[U.S.]--Fees / Mining law--[U.S.] / Government paperwork--[U.S.]--Costs / Public lands--[U.S.] / U.S. Bureau of Land Management

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AUTHOR: U.S. General Accounting Office.  
 TITLE: Regulatory burden: recent studies, industry issues, and agency initiatives; report to the chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate. Dec. 13, 1993.  
 SOURCE: Washington, G.A.O., 1993. 70 p.  
 LOCATION: LRS93-11690 AVAILABLE FROM ISSUING AGENCY Optical Disk

NOTES: "GAO/GGD-94-28, B-254591"  
 "Our report provides an overview of the regulatory burden studies conducted recently by, or on behalf of, the federal banking agencies and several of the major banking industry trade associations. Additionally, as part of this report we have included a description of the major regulatory burden issues reflected in those studies and agency actions or initiatives related to each issue."

SUBJECT(S): Banking law--[U.S.] / Government regulation--[U.S.]--Costs

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AUTHOR: U.S. General Accounting Office.  
TITLE: Regulatory Flexibility Act: inherent weaknesses may limit its usefulness for small governments; report to the Chairman, Committee on Governmental Affairs, U.S. Senate. Jan 11, 1991.  
SOURCE: Washington, G.A.O., 1991. 23 p.  
LOCATION: LRS91-515 LIMITED AVAILABILITY 2nd Flr. Copy Center  
NOTES: "GAO/HRD-91-6, B-239850"  
Addresses the "concern that the goal of the Regulatory Flexibility Act of 1980 (Reg Flex)--to reduce regulatory burdens on small businesses, small governments, and nonprofit organizations--is not being met for small governments."  
SUBJECT(S): Regulatory reform--[U.S.] / Government paperwork--[U.S.] / Small business--[U.S.]--Costs / Regulatory Flexibility Act

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AUTHOR: U.S. General Accounting Office.  
TITLE: Regulatory Flexibility Act: status of agencies' compliance; report to the Chairman, Committee on Small Business, House of Representatives, and the Chairman, Committee on Governmental Affairs, U.S. Senate. Apr. 27, 1994.  
SOURCE: Washington, G.A.O., 1994. 23 p.  
LOCATION: LRS94-4631 Optical Disk  
NOTES: "GAO/GGD-94-105, B-255476"  
"The Regulatory Flexibility Act requires federal agencies . . . to assess the effects of their proposed rules on small entities, which include small businesses, small government jurisdictions, and small not-for-profit groups . . . . This report reviews the (1) Small Business Administration's (SBA) annual compliance with the act and generalizes from the reports about which agencies have or have not implemented the act effectively and (2) SBA's annual report and related documents regarding the extent to which agencies have complied with the requirement that they periodically examine their rules."  
SUBJECT(S): Regulatory reform--[U.S.] / Regulatory impact statements--[U.S.] / Small business--[U.S.]--Costs / Government paperwork--[U.S.]--Costs / U.S. Small Business Administration / Regulatory Flexibility Act

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AUTHOR: U.S. General Accounting Office.  
TITLE: Risk-risk analysis: OMB's review of a proposed OSHA rule; report to the Chairman, Committee on Governmental Affairs, U.S. Senate. July 2, 1992.  
SOURCE: Washington, G.A.O., 1992. 26 p.  
LOCATION: LRS92-6483 LIMITED AVAILABILITY 2nd Flr. Copy Center

NOTES: "GAO/PEMD-92-33, B-248588.2"  
 "Cost-benefit analysis and risk-risk analysis are both trade-off analyses that attempt to organize information about the effect of a proposed intervention. In a cost-benefit analysis, the expected costs of the proposed intervention are weighed against the expected benefits of the results. A cost-benefit analysis quantifies both the expected costs and expected benefits of proposals in terms of monetary value, and then compares the two. Risk-risk analysis weighs the risks associated with the proposed intervention against the risks associated with no intervention."

SUBJECT(S): Occupational health and safety--[U.S.] / Risk assessment--[U.S.] / Government regulation--[U.S.] / Cost effectiveness--[U.S.]

AUTHOR: U.S. General Accounting Office.  
 TITLE: Superfund: EPA cost estimates are not reliable or timely; report to the Administrator, Environmental Protection Agency. July 1, 1992.  
 SOURCE: Washington, G.A.O., 1992. 32 p.  
 LOCATION: LRS92-5924 LIMITED AVAILABILITY 2nd Flr. Copy Center

NOTES: "GAO/AFMD-92-40, B-248034"  
 "EPA's Superfund cost estimates are not reliable or useful as a tool to oversee costs or to make funding decisions. EPA is often a year or more late in issuing its legislatively required annual cost estimate for the Superfund program, which lessens its usefulness to the Congress. Also, EPA's estimates for fiscal years 1989 and 1990 did not (1) include billions of dollars for cleaning up sites which . . . will be placed on the national priorities list or (2) reflect realistic costs associated with completing ongoing cleanup at current hazardous waste sites."

SUBJECT(S): Hazardous waste disposal--[U.S.]--Costs / Hazardous wastes--[U.S.] / Waste disposal sites--[U.S.] / Liability for toxic substances pollution damages--[U.S.] / Government paperwork--[U.S.]--Evaluation / U.S. Environmental Protection Agency / Superfund

AUTHOR: U.S. General Accounting Office.  
 TITLE: Superfund: more settlement authority and EPA controls could increase cost recovery; report to the Chairman, Environment, Energy, and Natural Resources Subcommittee, Committee on Government Operations, House of Representatives. July 18, 1991.  
 SOURCE: Washington, G.A.O., 1991. 44 p.  
 LOCATION: LRS91-6875 LIMITED AVAILABILITY 2nd Flr. Copy Center

NOTES: "GAO/RCED-91-144, B-243943"  
 "This report discusses EPA's success in obtaining cleanups and recovering costs, the adequacy of EPA's controls over the settlement process, and additional opportunities for more fully recovering Superfund's costs. The report contains two recommendations to the Congress and a number of recommendations to the Administrator, EPA, to improve controls over settlements and recover more costs."

SUBJECT(S): Hazardous waste disposal--[U.S.]--Costs / Liability for toxic substances pollution damages--[U.S.] / Cost accounting--[U.S.] / Government regulation--[U.S.] / Environmental policy--[U.S.]--Costs / Superfund--Costs / U.S. Environmental Protection Agency

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AUTHOR: Victor, Kirk.  
 TITLE: Injured system.  
 SOURCE: National journal, v. 22, June 23, 1990: 1536-1539.  
 LOCATION: LRS90-4450 HD 7814 U.S.

NOTES: "Workers' compensation laws, designed to protect workers who incur job related injuries and illnesses, are provoking outcries because of the rising costs of medical care."

SUBJECT(S): Workers' compensation--[U.S.]--costs / Occupational health and safety--[U.S.]--Costs / Medical economics--[U.S.]

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AUTHOR: Warren, Melinda.  
 TITLE: Mixed message: an analysis of the 1994 Federal regulatory budget.  
 SOURCE: St. Louis, Center for the Study of American Business, Washington University, 1993. 28 p. (Occasional paper 128)  
 LOCATION: LRS93-7298 HD 2754 U.S. A

NOTES: "Emphasis on programs such as family leave, national health care reform, closer monitoring of foods and drugs, and increased intervention in labor/management relations threatens to endanger the President's resolves to lower the budget and to curb government. These new and proposed programs are not costless and will directly affect the American people. As this report will show, President Bill Clinton's first budget sends a mixed message on the success of his attempts to reduce the size of government in the area of regulation."

SUBJECT(S): Government regulation--[U.S.]--Costs / Federal budgets--[U.S.] / Government spending--[U.S.]

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AUTHOR: Warren, Melinda.  
 TITLE: Reforming the Federal regulatory process: rhetoric or reality?  
 SOURCE: St. Louis, Center for the Study of American Business, Washington University, 1994. 30 p. (Occasional paper 138)  
 LOCATION: LRS94-6214 HD 2754 U.S. A

NOTES: Argues that although the expansion of Federal regulatory activity is slowing, growth of regulation is still occurring. "Spending and staffing of the 66 federal regulatory agencies will reach an all-time high in the next fiscal year. It will take \$15.6 billion (\$11.9 billion in constant 1987 dollars) to administer regulatory programs in 1995. Nearly 133,000 federal employees will be working at these agencies, a 1.0 percent increase over 1994 staffing levels."

SUBJECT(S): Regulatory reform--[U.S.]--Statistics / Executive reorganization--[U.S.] / Government spending--[U.S.]--Statistics / Government employees--[U.S.]--Costs  
 ADDED ENTRY: Washington University (Saint Louis, Mo.). Center for the Study of American Business.

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AUTHOR: Weidenbaum, Murray.  
 TITLE: How government reduces unemployment.  
 SOURCE: Society, v. 31, Sept.-Oct. 1994: 72-77.  
 LOCATION: LRS94-9538 HD 5706 U.S. A

NOTES: Says that "through a variety of legislative mandates on and regulation of employers, government laws and rules weaken the demand for labor and, often, the supply of labor as well. Although it is not the intent of such legislation, the rising presence of government in the employment process slows down the growth of employment in the United States." Discussion includes wrongful termination liability, the Family Leave Act, mandated health care, minimum wage legislation, and workers' compensation.

SUBJECT(S): Employment--[U.S.] / Government regulation--[U.S.]--Costs / Labor costs--[U.S.] / Business--[U.S.]--Costs

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AUTHOR: Weidenbaum, Murray.  
 TITLE: Regulatory fever returns.  
 SOURCE: World & I, v. 5, Nov. 1990: 141-147.  
 LOCATION: LRS90-9541 HD 2754 U.S. A

NOTES: Argues that "reducing the extent of federal regulation does not seem to have as much attraction for policymakers in the early 1990s as it did in the early 1980s. The best that we can hope for is to cool the regulatory fever by encouraging government, in the regulations that it does make, to rely more fully on economic incentives and benefit/cost

analysis."

SUBJECT(S): Government regulation--[U.S.]--Trends / Government regulation--[U.S.]--Economic aspects / Government regulation--[U.S.]--Environmental aspects / Independent regulatory commissions--Costs / Affirmative action programs --[U.S.]--Law and legislation / Environmental law and legislation--[U.S.] / U.S. Environmental Protection Agency / Civil Rights Act of 1990 (Proposed) / Clean Air Act

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AUTHOR: Weidenbaum, Murray.  
 TITLE: Return of the "R" word: the regulatory assault on the economy.  
 SOURCE: Policy review, no. 59, winter 1992: 40-43.  
 LOCATION: LRS92-879 HD 2754 U.S. A

NOTES: Says that "those who wonder why the economy has not responded more swiftly to successive doses of monetary stimulus should consider a development overlooked by most analysts of the macro-economy: any U.S. company brave enough to consider embarking on a new capital investment faces a thicket of obstacles in the form of expanded environmental and other social regulations."

SUBJECT(S): Government regulation--[U.S.]--Costs / Air pollution--[U.S.]--Licenses / Pollution control--[U.S.]--Economic aspects

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AUTHOR: West, William F. Cooper, Joseph.  
 TITLE: The rise of administrative clearance. In The Presidency and public policy making. George C. Edwards III, Steven A. Shull, Norman C. Thomas, editors.  
 SOURCE: Pittsburgh, University of Pittsburgh Press, c1985. (Pitt series in policy and institutional studies) p. 192-214.  
 LOCATION: LRS85-15638 JK 821 D

NOTES: Analyzes and assesses "the system of review over administrative rulemaking established by President Reagan through Executive Order 12291 . . . . It gave the Office of Management and Budget (OMB) power to review and delay all rules proposed by executive agencies. In addition, it required that review and justification proceed in terms of cost-benefit analysis."

SUBJECT(S): Administrative procedure--[U.S.]--Management / Administrative law--[U.S.]--Management / Government regulation--[U.S.]--Management / Cost effectiveness--[U.S.] --Evaluation / Executive orders / Reagan Administration / Regulatory reform--[U.S.] / U.S. Office of Management and Budget. Office of Information and Regulatory Affairs / Executive Order 12991

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