

Union Calendar No. 314

105TH CONGRESS
2^D SESSION

H. R. 1704

[Report No. 105-441, Parts I and II]

A BILL

To establish a Congressional Office of Regulatory
Analysis.

JUNE 3, 1998

Reported from the Committee on Government Reform
and Oversight with an amendment, committed to the
Committee of the Whole House on the State of the
Union, and ordered to be printed

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[Report No. 105–441, Parts I and II]

To establish a Congressional Office of Regulatory Analysis.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 1997

Mrs. KELLY (for herself and Mr. TALENT) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

MARCH 13, 1998

Reported from the Committee on the Judiciary with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

MARCH 13, 1998

Referral to the Committee on Government Reform and Oversight extended for a period not later than March 23, 1998

MARCH 18, 1998

Additional sponsors: Mr. ENGLISH of Pennsylvania, Mr. MANZULLO, Mr. LOBIONDO, Mr. HILL, Mrs. EMERSON, Mr. WICKER, Mr. GRAHAM, Mr. PETERSON of Pennsylvania, Mr. BAKER, Mr. BASS, Mr. NORWOOD, Mr. POMBO, Mr. TAUZIN, Mr. SAXTON, Mr. LAZIO of New York, Mr. ARCHER, Mr. HASTERT, Mr. LAHOOD, Mr. DUNCAN, Mr. BEREUTER, Mrs. ROUKEMA, Mr. HORN, Mr. GANSKE, Mr. GOODE, Mr. WATTS of Oklahoma, Mr. SESSIONS, Mr. METCALF, Mr. GILMAN, Mrs. MYRICK, Mr. PAPPAS, Mr. MCCOLLUM, Mr. LARGENT, Mr. NEUMANN, Mr. CUNNINGHAM, Mr. SUNUNU, Mr. WELDON of Florida, Mr. PARKER, Mr. QUINN, Mrs. MALONEY of New York, Mr. MCINTOSH, Mr. HERGER, Mr. BARR of Georgia, and Mr. CONDIT

MARCH 18, 1998

Referred to the Committee on House Oversight for a period ending not later

than May 1, 1998 for consideration of such provisions of the bill and amendment reported by the Committee on the Judiciary as fall within its jurisdiction pursuant to clause 1(h), rule X

MARCH 19, 1998

Referral to the Committee on Government Reform and Oversight extended for a period ending not later than May 1, 1998

APRIL 30, 1998

Referral to the Committees on Government Reform and Oversight and House Oversight extended for a period ending not later than May 15, 1998

MAY 13, 1998

Referral to the Committees on Government Reform and Oversight and House Oversight extended for a period ending not later than May 22, 1998

MAY 22, 1998

The Committee on House Oversight discharged

MAY 22, 1998

Referral to the Committee on Government Reform and Oversight extended for a period ending not later than June 4, 1998

JUNE 3, 1998

Additional sponsors: Mr. SOUDER, Mr. BONILLA, and Mr. ROYCE

JUNE 3, 1998

Reported from the Committee on Government Reform and Oversight with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in boldface Roman]

[For text of introduced bill, see copy of bill as introduced on May 22, 1997]

A BILL

To establish a Congressional Office of Regulatory Analysis.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Congressional Office of*
5 *Regulatory Analysis Creation Act”.*

1 **SEC. 2. FINDINGS.**

2 *The Congress finds that—*

3 *(1) Federal regulations have had a positive im-*
4 *act in protecting the environment and the health*
5 *and safety of all Americans; however, uncontrolled in-*
6 *creases in the costs that regulations place on the econ-*
7 *omy cannot be sustained;*

8 *(2) the legislative branch has a responsibility to*
9 *see that the laws it passes are properly implemented*
10 *by the executive branch;*

11 *(3) effective implementation of chapter 8 of title*
12 *5, United States Code (relating to congressional re-*
13 *view of agency rulemaking) is essential to controlling*
14 *the regulatory burden that the Government places on*
15 *the economy; and*

16 *(4) in order for the legislative branch to fulfill its*
17 *responsibilities under chapter 8 of title 5, United*
18 *States Code, it must have accurate and reliable infor-*
19 *mation on which to base its decisions.*

20 **SEC. 3. ESTABLISHMENT OF OFFICE.**

21 *(a) ESTABLISHMENT.—*

22 *(1) IN GENERAL.—There is established a Con-*
23 *gressional Office of Regulatory Analysis (hereinafter*
24 *in this Act referred to as the “Office”). The Office*
25 *shall be headed by a Director.*

1 (2) *APPOINTMENT.*—*The Director shall be ap-*
2 *pointed by the Speaker of the House of Representa-*
3 *tives and the majority leader of the Senate without*
4 *regard to political affiliation and solely on the basis*
5 *of the Director’s ability to perform the duties of the*
6 *Office.*

7 (3) *TERM.*—*The term of office of the Director*
8 *shall be 4 years, but no Director shall be permitted*
9 *to serve more than 3 terms. Any individual appointed*
10 *as Director to fill a vacancy prior to the expiration*
11 *of a term shall serve only for the unexpired portion*
12 *of that term. An individual serving as Director at the*
13 *expiration of that term may continue to serve until*
14 *the individual’s successor is appointed.*

15 (4) *REMOVAL.*—*The Director may be removed by*
16 *a concurrent resolution of the Congress.*

17 (5) *COMPENSATION.*—*The Director shall receive*
18 *compensation at a per annum gross rate equal to the*
19 *rate of basic pay, as in effect from time to time, for*
20 *level III of the Executive Schedule in section 5314 of*
21 *title 5, United States Code.*

22 (b) *PERSONNEL.*—*The Director shall appoint and fix*
23 *the compensation of such personnel as may be necessary to*
24 *carry out the duties and functions of the Office. All person-*
25 *nel of the Office shall be appointed without regard to politi-*

1 *cal affiliation and solely on the basis of their fitness to per-*
2 *form their duties. The Director may prescribe the duties*
3 *and responsibilities of the personnel of the Office, and dele-*
4 *gate to them authority to perform any of the duties, powers,*
5 *and functions imposed on the Office or on the Director. For*
6 *purposes of pay (other than pay of the Director) and em-*
7 *ployment benefits, rights, and privileges, all personnel of*
8 *the Office shall be treated as if they were employees of the*
9 *House of Representatives.*

10 *(c) EXPERTS AND CONSULTANTS.—In carrying out the*
11 *duties and functions of the Office, the Director may procure*
12 *the temporary (not to exceed one year) or intermittent serv-*
13 *ices of experts or consultants or organizations thereof by*
14 *contract as independent contractors, or, in the case of indi-*
15 *vidual experts or consultants, by employment at rates of*
16 *pay not in excess of the daily equivalent of the highest rate*
17 *of basic pay under the General Schedule of section 5332*
18 *of title 5, United States Code.*

19 *(d) RELATIONSHIP TO EXECUTIVE BRANCH.—The Di-*
20 *rector is authorized to secure information, data, estimates,*
21 *and statistics directly from the various departments, agen-*
22 *cies, and establishments of the executive branch of Govern-*
23 *ment, including the Office of Management and Budget, and*
24 *the regulatory agencies and commissions of the Government.*
25 *All such departments, agencies, establishments, and regu-*

1 latory agencies and commissions shall promptly furnish the
2 Director any available material which the Director deter-
3 mines to be necessary in the performance of the Director's
4 duties and functions (other than material the disclosure of
5 which would be a violation of law). The Director is also
6 authorized, upon agreement with the head of any such de-
7 partment, agency, establishment, or regulatory agency or
8 commission, to utilize its services, facilities, and personnel
9 with or without reimbursement; and the head of each such
10 department, agency, establishment, or regulatory agency or
11 commission is authorized to provide the Office such services,
12 facilities, and personnel.

13 (e) *RELATIONSHIP TO OTHER AGENCIES OF CON-*
14 *GRESS.*—*In carrying out the duties and functions of the*
15 *Office, and for the purpose of coordinating the operations*
16 *of the Office with those of other congressional agencies with*
17 *a view to utilizing most effectively the information, services*
18 *and capabilities of all such agencies in carrying out the*
19 *various responsibilities assigned to each, the Director is au-*
20 *thorized to obtain information, data, estimates, and statis-*
21 *tics developed by the General Accounting Office, Congres-*
22 *sional Budget Office, and the Library of Congress, and*
23 *(upon agreement with them) to utilize their services, facili-*
24 *ties, and personnel with or without reimbursement. The*
25 *Comptroller General, the Director of the Congressional*

1 *Budget Office, and the Librarian of Congress are authorized*
2 *to provide the Office with the information, data, estimates,*
3 *and statistics, and the services, facilities, and personnel, re-*
4 *ferred to in the preceding sentence.*

5 (f) *APPROPRIATIONS.—There are authorized to be ap-*
6 *propriated to the Office to enable it to carry out its duties*
7 *and functions for fiscal years 1998 through 2006 such sums*
8 *as may be necessary but not to exceed the amount appro-*
9 *priated to carry out chapter 35 of title 44, United States*
10 *Code.*

11 **SEC. 4. RESPONSIBILITIES.**

12 (a) *TRANSFER OF FUNCTIONS UNDER CHAPTER 8*
13 *FROM GAO TO OFFICE.—*

14 (1) *DIRECTOR'S NEW AUTHORITY.—(A) Section*
15 *801 of title 5, United States Code, is amended by*
16 *striking “Comptroller General” each place it occurs*
17 *and inserting “Director of the Office”.*

18 (B) *Section 801(a)(2)(B) of title 5, United States*
19 *Code, is amended by striking “Comptroller General’s”*
20 *and inserting “Director of the Office’s”.*

21 (2) *DEFINITION.—Section 804 of title 5, United*
22 *States Code, is amended by adding at the end the fol-*
23 *lowing:*

24 “(4) *The term ‘Director of the Office’ means the*
25 *Director of the Congressional Office of Regulatory Af-*

1 *fairs established by section 3 of the Congressional Of-*
2 *fice of Regulatory Analysis Creation Act.”.*

3 (3) *MAJOR RULES.—*

4 (A) *REGULATORY IMPACT ANALYSIS.—In*
5 *addition to the assessment of an agency’s compli-*
6 *ance with the procedural steps for “major” rules*
7 *described in section 801(a)(2)(A) of title 5,*
8 *United States Code, the Office will also conduct*
9 *its own regulatory impact analysis of these*
10 *“major” rules. This analysis shall include—*

11 (i) *a description of the potential bene-*
12 *fits of the rule, including any beneficial ef-*
13 *fects that cannot be quantified in monetary*
14 *terms and the identification of those likely*
15 *to receive the benefits;*

16 (ii) *a description of the potential costs*
17 *of the rule, including any adverse effects*
18 *that cannot be quantified in monetary*
19 *terms and the identification of those likely*
20 *to bear the costs;*

21 (iii) *a determination of the potential*
22 *net benefits of the rule, including an evalua-*
23 *tion of effects that cannot be quantified in*
24 *monetary terms;*

1 (iv) a description of alternative ap-
2 proaches that could achieve the same regu-
3 latory goal at a lower cost, together with an
4 analysis of the potential benefit and costs
5 and a brief explanation of the legal reasons
6 why such alternatives, if proposed, could
7 not be adopted; and

8 (v) a summary of how these results dif-
9 fer, if at all, from the results that the pro-
10 mulgating agency received when conducting
11 similar analyses.

12 (B) *TIME FOR REPORT TO COMMITTEES.*—

13 Section 801(a)(2)(A) of title 5, United States
14 Code, is amended by striking “15” and inserting
15 “45”.

16 (4) *NONMAJOR RULES.*—The Office shall conduct
17 a regulatory impact analyses, as defined in para-
18 graph (3)(A), of any nonmajor rule, as defined in sec-
19 tion 804(3) of title 5, United States Code, when re-
20 quested to do so by a committee of the House of Rep-
21 resentatives or the Senate, or individual Representa-
22 tive or Senator.

23 (5) *PRIORITIES.*—

24 (A) *ASSIGNMENT.*—To ensure that analysis
25 of the most significant regulations occurs, the Of-

1 *office shall give first priority to, and is required*
2 *to conduct analyses of, all “major” rules, as de-*
3 *defined in section 804(2) of title 5, United States*
4 *Code. Secondary priority shall be assigned to re-*
5 *quests from committees of the House of Rep-*
6 *resentatives and the Senate. Tertiary priority*
7 *shall be assigned to requests from individual*
8 *Representatives and Senators.*

9 *(B) DISCRETION TO DIRECTOR OF OF-*
10 *FICE.—The Director of the Office shall have the*
11 *discretion to assign priority among the second-*
12 *ary and tertiary requests.*

13 *(b) TRANSFER OF CERTAIN FUNCTIONS UNDER THE*
14 *UNFUNDED MANDATES REFORM ACT OF 1955 FROM CBO*
15 *TO OFFICE.—*

16 *(1) COST OF REGULATIONS.—Section 103 of the*
17 *Unfunded Mandates Reform Act of 1995 (2 U.S.C.*
18 *1511) is amended—*

19 *(A) in subsection (b), by striking “the Di-*
20 *rector” and inserting “the Director of the Con-*
21 *gressional Office of Regulatory Analysis”; and*

22 *(B) in subsection (c), by inserting after*
23 *“Budget Office” the following: “or the Director of*
24 *the Congressional Office of Regulatory Analysis”.*

1 (2) *ASSISTANCE TO THE CONGRESSIONAL OFFICE*
2 *OF REGULATORY ANALYSIS.*—Section 206 of the Un-
3 *funded Mandates Reform Act of 1995 (2 U.S.C. 1536)*
4 *is amended—*

5 (A) *by amending the section heading to*
6 *read as follows: “SEC. 206. ASSISTANCE TO*
7 *THE CONGRESSIONAL OFFICE OF REGU-*
8 *LATORY ANALYSIS.”; and*

9 (B) *in paragraph (2), by striking “the Di-*
10 *rector of the Congressional Budget Office” and*
11 *inserting “the Director of the Congressional Of-*
12 *fice of Regulatory Analysis”.*

13 (c) *OTHER REPORTS.*—*In addition to the regulatory*
14 *impact analyses of major and nonmajor rules described in*
15 *subsection (a) of this section, the Office shall also issue an*
16 *annual report on an estimate of the total cost of Federal*
17 *regulations on the United States economy.*

18 **SEC. 5. EFFECTIVE DATE.**

19 *This Act and the amendments made by this Act shall*
20 *take effect 180 days after the date of enactment of this Act.*

21 **SECTION 1. SHORT TITLE.**

22 **This Act may be cited as the “Congres-**
23 **sional Office of Regulatory Analysis Creation**
24 **Act”.**

1 SEC. 2. FINDINGS.

2 **The Congress finds that—**

3 (1) Federal regulations have had a
4 positive impact in protecting the environ-
5 ment and the health and safety of all
6 Americans; however, uncontrolled in-
7 creases in the costs that regulations place
8 on the economy cannot be sustained;

9 (2) the legislative branch has a re-
10 sponsibility to see that the laws it passes
11 are properly implemented by the execu-
12 tive branch;

13 (3) effective implementation of chap-
14 ter 8 of title 5 of the United States Code
15 (relating to congressional review of agen-
16 cy rulemaking) is essential to controlling
17 the regulatory burden that the Govern-
18 ment places on the economy; and

19 (4) in order for the legislative branch
20 to fulfill its responsibilities under chap-
21 ter 8 of title 5, United States Code, it
22 must have accurate and reliable informa-
23 tion on which to base its decisions.

24 SEC. 3. ESTABLISHMENT OF OFFICE.

25 (a) ESTABLISHMENT.—

1 **(1) IN GENERAL.—**There is established
2 **a Congressional Office of Regulatory**
3 **Analysis (hereinafter in this Act referred**
4 **to as the “Office”). The Office shall be**
5 **headed by a Director.**

6 **(2) APPOINTMENT.—**The Director shall
7 **be appointed by the Speaker of the House**
8 **of Representatives and the majority lead-**
9 **er of the Senate after considering rec-**
10 **ommendations received from the Sub-**
11 **committee on National Economic Growth,**
12 **Natural Resources, and Regulatory Af-**
13 **fairs of the Committee on Government**
14 **Reform and Oversight of the House of**
15 **Representatives, without regard to politi-**
16 **cal affiliation and solely on the basis of**
17 **the Director’s ability to perform the du-**
18 **ties of the Office.**

19 **(3) TERM.—**The term of office of the
20 **Director shall be 4 years, but no Director**
21 **shall be permitted to serve more than 3**
22 **terms. Any individual appointed as Direc-**
23 **tor to fill a vacancy prior to the expira-**
24 **tion of a term shall serve only for the un-**
25 **expired portion of that term. An individ-**

1 ual serving as Director at the expiration
2 of that term may continue to serve until
3 the individual's successor is appointed.

4 (4) **REMOVAL.**—The Director may be
5 removed by a concurrent resolution of
6 the Congress.

7 (5) **COMPENSATION.**—The Director
8 shall receive compensation at a per
9 annum gross rate equal to the rate of
10 basic pay, as in effect from time to time,
11 for level III of the Executive Schedule in
12 section 5314 of title 5, United States Code.

13 (b) **PERSONNEL.**—The Director shall ap-
14 point and fix the compensation of such per-
15 sonnel as may be necessary to carry out the
16 duties and functions of the Office. All person-
17 nel of the Office shall be appointed without
18 regard to political affiliation and solely on the
19 basis of their fitness to perform their duties.
20 The Director may prescribe the duties and re-
21 sponsibilities of the personnel of the Office,
22 and delegate to them authority to perform
23 any of the duties, powers, and functions im-
24 posed on the Office or on the Director. For
25 purposes of pay (other than pay of the Direc-

1 tor) and employment benefits, rights, and
2 privileges, all personnel of the Office shall be
3 treated as if they were employees of the
4 House of Representatives.

5 (c) EXPERTS AND CONSULTANTS.—In carry-
6 ing out the duties and functions of the Office,
7 the Director may procure the temporary (not
8 to exceed one year) or intermittent services of
9 experts or consultants or organizations there-
10 of by contract as independent contractors, or,
11 in the case of individual experts or consult-
12 ants, by employment at rates of pay not in ex-
13 cess of the daily equivalent of the highest rate
14 of basic pay under the General Schedule of
15 section 5332 of title 5, United States Code.

16 (d) RELATIONSHIP TO EXECUTIVE BRANCH.—
17 The Director is authorized to secure informa-
18 tion, data, estimates, and statistics directly
19 from the various departments, agencies, and
20 establishments of the executive branch of
21 Government, including the Office of Manage-
22 ment and Budget, and the regulatory agencies
23 and commissions of the Government. All such
24 departments, agencies, establishments, and
25 regulatory agencies and commissions shall

1 promptly furnish the Director any available
2 material which the Director determines to be
3 necessary in the performance of the Direc-
4 tor's duties and functions (other than mate-
5 rial the disclosure of which would be a viola-
6 tion of law). The Director is also authorized,
7 upon agreement with the head of any such de-
8 partment, agency, establishment, or regu-
9 latory agency or commission, to utilize its
10 services, facilities, and personnel with or
11 without reimbursement; and the head of each
12 such department, agency, establishment, or
13 regulatory agency or commission is author-
14 ized to provide the Office such services, facili-
15 ties, and personnel.

16 (e) **RELATIONSHIP TO OTHER AGENCIES OF**
17 **CONGRESS.**—In carrying out the duties and
18 functions of the Office, and for the purpose of
19 coordinating the operations of the Office with
20 those of other congressional agencies with a
21 view to utilizing most effectively the informa-
22 tion, services and capabilities of all such
23 agencies in carrying out the various respon-
24 sibilities assigned to each, the Director is au-
25 thorized to obtain information, data, esti-

1 mates, and statistics developed by the Gen-
2 eral Accounting Office, Congressional Budget
3 Office, and the Congressional Research Serv-
4 ice, and (upon agreement with them) to utilize
5 their services, facilities, and personnel with
6 or without reimbursement. The Comptroller
7 General, the Director of the Congressional
8 Budget Office, and the Director of the Con-
9 gressional Research Service are authorized to
10 provide the Office with the information, data,
11 estimates, and statistics, and the services, fa-
12 cilities, and personnel, referred to in the pre-
13 ceding sentence.

14 (f) ASSISTANCE TO THE CONGRESS.—The Di-
15 rector of the Office shall provide to the Com-
16 mittee on Government Reform and Oversight
17 of the House of Representatives, information
18 that will assist the committee in the discharge
19 of all matters within its jurisdiction, includ-
20 ing information with respect to its jurisdic-
21 tion over authorization and oversight of the
22 Office of Information and Regulatory Affairs
23 of the Office of Management and Budget.

24 (g) INFORMATION.—

1 **(1) FREEDOM OF INFORMATION.—The**
2 **Office shall make available information**
3 **from its activities in accordance with sec-**
4 **tion 552 of title 5, United States Code.**

5 **(2) PUBLIC DOCKET.—The Office shall**
6 **maintain a publicly available log of infor-**
7 **mation (other than information which**
8 **may not be released under section 552(b)**
9 **of title 5, United States Code) which shall**
10 **contain at a minimum—**

11 **(A) all written communications,**
12 **regardless of format, between Office**
13 **personnel and any person who is not**
14 **employed by the Federal Govern-**
15 **ment; and**

16 **(B) the dates and names of indi-**
17 **viduals involved in all substantive**
18 **oral communications, including meet-**
19 **ings and telephone conversations be-**
20 **tween Office personnel and any per-**
21 **son not employed by the Federal Gov-**
22 **ernment, and the subject matter of**
23 **such communications.**

24 **(h) APPROPRIATIONS.—There are author-**
25 **ized to be appropriated to the Office**

1 **\$5,200,000 for each of fiscal years 1998**
2 **through 2006. No funds shall be authorized to**
3 **be appropriated for the Office in a year when**
4 **the annual appropriation for the Legislative**
5 **Branch exceeds the appropriation provided**
6 **for the Legislative Branch for fiscal year 1998,**
7 **reduced by the amount appropriated for the**
8 **Office for such year.**

9 **SEC. 4. RESPONSIBILITIES.**

10 **(a) TRANSFER OF FUNCTIONS UNDER CHAP-**
11 **TER 8 FROM GAO TO OFFICE.—**

12 **(1) DIRECTOR'S NEW AUTHORITY.—Sec-**
13 **tion 801 of title 5, United States Code, is**
14 **amended—**

15 **(A) by striking “Comptroller Gen-**
16 **eral” each place it occurs and insert-**
17 **ing “Director of the Office”; and**

18 **(B) by striking “the Comptroller**
19 **General’s report” in subsection**
20 **(a)(2)(B) and inserting “the report of**
21 **the Director of the Office”.**

22 **(2) DEFINITION.—Section 804 is amend-**
23 **ed by adding at the end the following:**

24 **“(4) The term ‘Director of the Office’**
25 **means the Director of the Congressional**

1 **Office of Regulatory Affairs established**
2 **by section 3 of the Congressional Office**
3 **of Regulatory Analysis Creation Act.”.**

4 **(3) MAJOR RULES.—Section 801(a)(2)(A)**
5 **of title 5, United States Code, is amended**
6 **to read as follows:**

7 **“(2)(A) The Director of the Office shall**
8 **provide a report on each major rule to the**
9 **committees of jurisdiction in each House of**
10 **the Congress by the end of 30 calendar days**
11 **after the submission or publication date as**
12 **provided in section 802(b)(2). The report of**
13 **the Director shall include—**

14 **“(i) an assessment of the compliance**
15 **by the Federal agency with the require-**
16 **ments in paragraph (1)(B); and**

17 **“(ii) an analysis of the rule by the Di-**
18 **rector, using any relevant data and anal-**
19 **yses generated by the Federal agency and**
20 **any data of the Office, including the fol-**
21 **lowing:**

22 **“(I) A description of the potential**
23 **benefits of the rule, including any**
24 **beneficial effects that cannot be**
25 **quantified in monetary terms and the**

1 identification of those likely to re-
2 ceive the benefits.

3 “(II) A description of the potential
4 costs of the rule, including any ad-
5 verse effects that cannot be quan-
6 tified in monetary terms and the
7 identification of those likely to bear
8 the costs.

9 “(III) A determination of the po-
10 tential net benefits of the rule, in-
11 cluding an evaluation of effects that
12 cannot be quantified in monetary
13 terms.

14 “(IV) A description of alternative
15 approaches that could achieve the
16 same regulatory goal at a lower cost,
17 together with an analysis of the po-
18 tential benefits and costs and a brief
19 explanation of the legal reasons why
20 such alternatives, if proposed, could
21 not be adopted.

22 “(V) A summary of how these re-
23 sults differ, if at all, from the results
24 that the promulgating agency re-

1 **ceived when conducting similar anal-**
2 **yses.”.**

3 **(4) NONMAJOR RULES.—The Office shall**
4 **conduct an assessment and analysis, as**
5 **described in section 801(a)(2)(A) of title 5,**
6 **United States Code, of any nonmajor rule,**
7 **as defined in section 804(3) of such title,**
8 **when requested to do so by a committee**
9 **of the House of Representatives or the**
10 **Senate, or individual Representative or**
11 **Senator.**

12 **(5) PRIORITIES.—**

13 **(A) ASSIGNMENT.—To ensure that**
14 **analysis of the most significant regu-**
15 **lations occurs, the Office shall give**
16 **first priority to, and is required to**
17 **conduct analyses of, all “major” rules,**
18 **as defined in section 804(2) of title 5,**
19 **United States Code. Secondary prior-**
20 **ity shall be assigned to requests from**
21 **committees of the House of Rep-**
22 **resentatives and the Senate. Tertiary**
23 **priority shall be assigned to requests**
24 **from individual Representatives and**
25 **Senators.**

1 **(B) DISCRETION TO DIRECTOR OF OF-**
2 **FICE.—The Director of the Office shall**
3 **have the discretion to assign priority**
4 **among the secondary and tertiary re-**
5 **quests.**

6 **(b) TRANSFER OF CERTAIN FUNCTIONS**
7 **UNDER THE UNFUNDED MANDATES REFORM ACT**
8 **OF 1955 FROM CBO TO OFFICE.—**

9 **(1) COST OF REGULATIONS.—Section 103**
10 **of the Unfunded Mandates Reform Act of**
11 **1995 (2 U.S.C. 1511) is amended—**

12 **(A) in subsection (b), by striking**
13 **“the Director” and inserting “the Di-**
14 **rector of the Congressional Office of**
15 **Regulatory Analysis”;** and

16 **(B) in subsection (c), by inserting**
17 **after “Budget Office” the following:**
18 **“or the Director of the Congressional**
19 **Office of Regulatory Analysis”.**

20 **(2) ASSISTANCE TO THE CONGRESSIONAL**
21 **OFFICE OF REGULATORY ANALYSIS.—Section**
22 **206 of the Unfunded Mandates Reform**
23 **Act of 1995 (2 U.S.C. 1536) is amended—**

24 **(A) by amending the section head-**
25 **ing to read as follows: “SEC. 206. AS-**

1 SISTANCE TO THE CONGRESSIONAL OF-
2 FICE OF REGULATORY ANALYSIS.”; and

3 **(B) in paragraph (2), by striking**
4 **“the Director of the Congressional**
5 **Budget Office” and inserting “the Di-**
6 **rector of the Congressional Office of**
7 **Regulatory Analysis”.**

8 **(c) OTHER REPORTS.—In addition to the**
9 **analyses of major and nonmajor rules de-**
10 **scribed in subsection (a), the Office shall also**
11 **issue an annual report including estimates of**
12 **the total costs and benefits of all existing Fed-**
13 **eral regulations.**

14 **SEC. 5. EFFECTIVE DATE.**

15 **This Act and the amendments made by**
16 **this Act shall take effect 180 days after the**
17 **date of enactment of this Act.**