

106TH CONGRESS
2^D SESSION

H. R. 4924

To establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2000

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

A BILL

To establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Truth in Regulating
5 Act of 2000”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are to—

8 (1) increase the transparency of important reg-
9 ulatory decisions;

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

4 (3) increase the accountability of Congress and
5 the agencies to the people they serve.

6 **SEC. 3. DEFINITIONS.**

7 In this Act, the term—

8 (1) “agency” has the meaning given such term
9 under section 3502(1) of title 44, United States
10 Code, except that such term shall not include an
11 independent regulatory agency, as that term is de-
12 fined in section 3502(5) of such title;

13 (2) “economically significant rule” means any
14 proposed or final rule, including an interim or direct
15 final rule, that may have an annual effect on the
16 economy of \$100,000,000 or more or adversely af-
17 fect in a material way the economy, a sector of the
18 economy, productivity, competition, jobs, the envi-
19 ronment, public health or safety, or State, local, or
20 tribal governments or communities, or for which an
21 agency has prepared an initial or final regulatory
22 flexibility analysis pursuant to section 603 or 604 of
23 title 5, United States Code; and

24 (3) “independent evaluation” means a sub-
25 stantive evaluation of the agency’s data, method-

1 ology, and assumptions used in developing the eco-
2 nomically significant rule, including—

3 (A) an explanation of how any strengths or
4 weaknesses in those data, methodology, and as-
5 sumptions support or detract from conclusions
6 reached by the agency; and

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

9 **SEC. 4. PILOT PROJECT FOR REPORT ON RULES.**

10 (a) IN GENERAL.—

11 (1) REQUEST FOR REVIEW.—When an agency
12 publishes an economically significant rule, a chair-
13 man or ranking member of a committee of jurisdic-
14 tion of either House of Congress may request the
15 Comptroller General of the United States to review
16 the rule.

17 (2) REPORT.—The Comptroller General shall
18 submit a report on each economically significant rule
19 selected under paragraph (4) to the committees of
20 jurisdiction in each House of Congress not later
21 than 180 calendar days after a committee request is
22 received, or in the case of a committee request for
23 review of a notice of proposed rulemaking or an in-
24 terim final rulemaking, by the end of the period for
25 submission of comment regarding the rulemaking, if

1 practicable. The report shall include an independent
2 evaluation of the economically significant rule by the
3 Comptroller General.

4 (3) INDEPENDENT EVALUATION.—The inde-
5 pendent evaluation of the economically significant
6 rule by the Comptroller General under paragraph
7 (2) shall include—

8 (A) an evaluation of an agency’s analysis
9 of the potential benefits of the rule, including
10 any beneficial effects that cannot be quantified
11 in monetary terms and the identification of the
12 persons or entities likely to receive the benefits;

13 (B) an evaluation of an agency’s analysis
14 of the potential costs of the rule, including any
15 adverse effects that cannot be quantified in
16 monetary terms and the identification of the
17 persons or entities likely to bear the costs;

18 (C) an evaluation of an agency’s analysis
19 of alternative approaches set forth in the notice
20 of proposed rulemaking and in the rulemaking
21 record, as well as of any regulatory impact
22 analysis, federalism assessment, or other anal-
23 ysis or assessment prepared by the agency or
24 required for the economically significant rule;
25 and

1 (D) a summary of the results of the eval-
2 uation of the Comptroller General and the im-
3 plications of those results.

4 (4) PROCEDURES FOR PRIORITIES OF RE-
5 QUESTS.—The Comptroller General shall have dis-
6 cretion to develop procedures for determining the
7 priority and number of requests for review under
8 paragraph (1) for which a report will be submitted
9 under paragraph (2).

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

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

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

19 **SEC. 6. EFFECTIVE DATE AND DURATION OF PILOT**
20 **PROJECT.**

21 (a) EFFECTIVE DATE.—This Act shall take effect 90
22 days after the date of enactment of this Act.

23 (b) DURATION OF PILOT PROJECT.—The pilot
24 project under this Act shall continue for a period of 3
25 years, if in each fiscal year, or portion thereof included

1 in that period, a specific annual appropriation not less
2 than \$5,200,000 or the pro-rated equivalent thereof shall
3 have been made for the pilot project.

4 (c) REPORT.—Before the conclusion of the 3-year pe-
5 riod, the Comptroller General shall submit to Congress a
6 report reviewing the effectiveness of the pilot project and
7 recommending whether or not Congress should perma-
8 nently authorize the pilot project.

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