

106TH CONGRESS
2^D SESSION

H. R. 4924

IN THE SENATE OF THE UNITED STATES

JULY 25, 2000

Received; read twice and referred to the Committee on Governmental Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Truth in Regulating
3 Act of 2000”.

4 **SEC. 2. PURPOSES.**

5 The purposes of this Act are to—

6 (1) increase the transparency of important reg-
7 ulatory decisions;

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

11 (3) increase the accountability of Congress and
12 the agencies to the people they serve.

13 **SEC. 3. DEFINITIONS.**

14 In this Act, the term—

15 (1) “agency” has the meaning given such term
16 under section 3502(1) of title 44, United States
17 Code, except that such term shall not include an
18 independent regulatory agency, as that term is de-
19 fined in section 3502(5) of such title;

20 (2) “economically significant rule” means any
21 proposed or final rule, including an interim or direct
22 final rule, that may have an annual effect on the
23 economy of \$100,000,000 or more or adversely af-
24 fect in a material way the economy, a sector of the
25 economy, productivity, competition, jobs, the envi-
26 ronment, public health or safety, or State, local, or

1 tribal governments or communities, or for which an
2 agency has prepared an initial or final regulatory
3 flexibility analysis pursuant to section 603 or 604 of
4 title 5, United States Code; and

5 (3) “independent evaluation” means a sub-
6 stantive evaluation of the agency’s data, method-
7 ology, and assumptions used in developing the eco-
8 nomically significant rule, including—

9 (A) an explanation of how any strengths or
10 weaknesses in those data, methodology, and as-
11 sumptions support or detract from conclusions
12 reached by the agency; and

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

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

16 (a) IN GENERAL.—

17 (1) REQUEST FOR REVIEW.—When an agency
18 publishes an economically significant rule, a chair-
19 man or ranking member of a committee of jurisdic-
20 tion of either House of Congress may request the
21 Comptroller General of the United States to review
22 the rule.

23 (2) REPORT.—The Comptroller General shall
24 submit a report on each economically significant rule
25 selected under paragraph (4) to the committees of

1 jurisdiction in each House of Congress not later
2 than 180 calendar days after a committee request is
3 received, or in the case of a committee request for
4 review of a notice of proposed rulemaking or an in-
5 terim final rulemaking, by the end of the period for
6 submission of comment regarding the rulemaking, if
7 practicable. The report shall include an independent
8 evaluation of the economically significant rule by the
9 Comptroller General.

10 (3) INDEPENDENT EVALUATION.—The inde-
11 pendent evaluation of the economically significant
12 rule by the Comptroller General under paragraph
13 (2) shall include—

14 (A) an evaluation of an agency’s analysis
15 of the potential benefits of the rule, including
16 any beneficial effects that cannot be quantified
17 in monetary terms and the identification of the
18 persons or entities likely to receive the benefits;

19 (B) an evaluation of an agency’s analysis
20 of the potential costs of the rule, including any
21 adverse effects that cannot be quantified in
22 monetary terms and the identification of the
23 persons or entities likely to bear the costs;

24 (C) an evaluation of an agency’s analysis
25 of alternative approaches set forth in the notice

1 of proposed rulemaking and in the rulemaking
2 record, as well as of any regulatory impact
3 analysis, federalism assessment, or other anal-
4 ysis or assessment prepared by the agency or
5 required for the economically significant rule;
6 and

7 (D) a summary of the results of the eval-
8 uation of the Comptroller General and the im-
9 plications of those results.

10 (4) PROCEDURES FOR PRIORITIES OF RE-
11 QUESTS.—The Comptroller General shall have dis-
12 cretion to develop procedures for determining the
13 priority and number of requests for review under
14 paragraph (1) for which a report will be submitted
15 under paragraph (2).

16 (b) AUTHORITY OF COMPTROLLER GENERAL.—Each
17 agency shall promptly cooperate with the Comptroller
18 General in carrying out this Act. Nothing in this Act is
19 intended to expand or limit the authority of the General
20 Accounting Office.

21 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

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

1 **SEC. 6. EFFECTIVE DATE AND DURATION OF PILOT**
2 **PROJECT.**

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

5 (b) **DURATION OF PILOT PROJECT.**—The pilot
6 project under this Act shall continue for a period of 3
7 years, if in each fiscal year, or portion thereof included
8 in that period, a specific annual appropriation not less
9 than \$5,200,000 or the pro-rated equivalent thereof shall
10 have been made for the pilot project.

11 (c) **REPORT.**—Before the conclusion of the 3-year pe-
12 riod, the Comptroller General shall submit to Congress a
13 report reviewing the effectiveness of the pilot project and
14 recommending whether or not Congress should perma-
15 nently authorize the pilot project.

Passed the House of Representatives July 25, 2000.

Attest:

JEFF TRANDAHL,

Clerk.