

116TH CONGRESS
2D SESSION

H. R. 8006

To direct the Comptroller General of the United States to issue regulatory scorecards to agencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 11, 2020

Mr. GOSAR introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committee on the Judiciary, 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

A BILL

To direct the Comptroller General of the United States to issue regulatory scorecards to 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 “Regulatory Report
5 Card Act”.

6 **SEC. 2. REGULATORY SCORECARD.**

7 (a) IN GENERAL.—Not later than 6 months after the
8 date of the enactment of this section, and every 2 years

1 thereafter, the Comptroller General shall issue to each
2 agency, and provide contemporaneously to the Committee
3 on Oversight and Reform of the House of Representatives
4 and the Committee on Homeland Security and Govern-
5 mental Affairs of the Senate, a regulatory scorecard that
6 assesses the regulatory activities conducted by each such
7 agency—

8 (1) over the life of each such agency; and

9 (2) in prior 2 years.

10 (b) PUBLIC PUBLICATION.—Not later than 1 month
11 after scorecard is issued under subsection (a), such score-
12 card shall be made available to the public on a website
13 of the Comptroller General.

14 (c) REQUIREMENT TO TESTIFY.—Except as provided
15 by the Chair of the Committee on Oversight and Reform
16 of the House of Representatives or the Chair of the Com-
17 mittee on Homeland Security and Governmental Affairs
18 of the Senate, as applicable, not later than 6 months after
19 the scorecard is made available to the public under sub-
20 section (a), an official who oversees the regulatory policy
21 of an agency, or a spokesperson of that agency, shall tes-
22 tify to the Committee on Oversight and Reform of the
23 House of Representatives and the Committee on Home-
24 land Security and Governmental Affairs of the Senate
25 on—

1 (1) the most recent regulatory scorecard issued
2 for the agency; and

3 (2) any action taken by the agency to improve
4 such scorecard.

5 (d) REGULATIONS.—The Comptroller General may
6 issue regulations as may be necessary to carry out this
7 section.

8 (e) DEFINITIONS.—In this section:

9 (1) ADMINISTRATIVE PROCEDURE ACT.—The
10 term “Administrative Procedure Act” means sub-
11 chapter II of chapter 5 of title 5, United States
12 Code.

13 (2) AGENCY.—The term “agency” has the
14 meaning given that term in section 551 of title 5,
15 United States Code.

16 (3) COMPTROLLER GENERAL.—The term
17 “Comptroller General” means the Comptroller Gen-
18 eral of the United States.

19 (4) COVERED QUESTION.—

20 (A) IN GENERAL.—Except as provided in
21 subparagraph (B), the term “covered question”
22 means a question as follows:

23 (i) Is your agency in compliance with
24 Executive Order 13771 (requiring agencies
25 to remove two regulations for every one

1 proposed regulation), or any successor
2 order?

3 (ii) Is your agency in compliance with
4 Executive Order 13777 (requiring regu-
5 latory reform officer and task force for
6 each agency), or any successor order?

7 (iii) Does your agency estimate and
8 publicly disclose—

9 (I) the estimated annual cost to
10 the overall economy of the United
11 States of all regulations issued by
12 agency, including any guidance docu-
13 ment issued by the agency; and

14 (II) the annual cost to the agen-
15 cy of enforcing such regulations?

16 (iv) Are all formal regulations issued
17 after the date of the enactment of this Act
18 but within the prior 2 years, under sec-
19 tions 556 and 557 of title 5, United States
20 Code, in compliance with the Administra-
21 tive Procedure Act?

22 (v) Are all hybrid regulations issued
23 after the date of the enactment of this Act
24 but within the prior 2 years, under section
25 553 of title 5, United States Code, in com-

1 compliance with the Administrative Procedure
2 Act, and any other procedural require-
3 ments under applicable law?

4 (vi) Are all informal regulations
5 issued after the date of the enactment of
6 this Act but within the prior 2 years,
7 under section 553 of title 5, United States
8 Code, in compliance with the Administra-
9 tive Procedure Act?

10 (vii) Does your agency publicly dis-
11 close all regulatory guidance in a central-
12 ized web-based location?

13 (viii) Does your agency submit a copy
14 of a regulation to Congress and the Comp-
15 troller General, in accordance with chapter
16 8 of title 5, United States Code (commonly
17 known as the “Congressional Review
18 Act”)?

19 (ix) Does your agency include sunset
20 provisions on a majority of regulations
21 issued after the date of the enactment of
22 this Act but within the prior 2 years?

23 (x) Does your agency publicly disclose
24 the cost incurred by States and municipali-

1 ties in complying with regulations issued
2 by the agency?

3 (xi) Does your agency submit all sig-
4 nificant regulatory actions to the Office of
5 Information and Regulatory Affairs for re-
6 view in compliance with Executive Order
7 12866, or any successor order?

8 (xii) Does your agency allow for pub-
9 lic notice and comment on regulatory guid-
10 ance?

11 (xiii) Does your agency submit copies
12 of regulatory guidance to Congress and the
13 Comptroller General?

14 (B) DISCRETION.—The following shall not
15 be considered a covered question if the Execu-
16 tive order that is the subject of the question is
17 rescinded:

18 (i) The question described under
19 clause (i).

20 (ii) The question described under
21 clause (ii).

22 (iii) The question described under
23 clause (xi).

1 (5) ECONOMIC IMPACT SCORE.—The term “eco-
2 nomic impact score” means a score calculated by the
3 Comptroller General on the basis of—

4 (A) the ongoing impact score, calculated
5 by—

6 (i) determining the total estimated
7 cost incurred by individuals and entities
8 over the life of the agency in complying
9 with regulations issued by the agency; and

10 (ii) dividing such cost by the total
11 number of regulations issued by the agency
12 over the life of the agency; and

13 (B) the term economic impact score, cal-
14 culated by—

15 (i) determining the total estimated
16 cost incurred by individuals and entities in
17 the prior two years in complying with regu-
18 lations issued by the agency; and

19 (ii) dividing such cost by the total
20 number of regulations issued by the agency
21 in the prior two years.

22 (6) GUIDANCE DOCUMENT.—The term “guid-
23 ance document”—

24 (A) means an agency statement of general
25 applicability (other than a regulation that has

1 the force and effect of law promulgated in ac-
2 cordance with the notice and public procedure
3 under section 553 of title 5, United States
4 Code) that—

5 (i) does not have the force and effect
6 of law; and

7 (ii) sets forth—

8 (I) an agency decision or a policy
9 on a statutory, regulatory, or tech-
10 nical issue; or

11 (II) an interpretation of a statu-
12 tory or regulatory issue; and

13 (B) may include any of the following:

14 (i) A memorandum.

15 (ii) A notice.

16 (iii) A bulletin.

17 (iv) A directive.

18 (v) A news release.

19 (vi) A letter.

20 (vii) A blog post.

21 (viii) A no-action letter.

22 (ix) A speech by an agency official.

23 (x) An advisory.

24 (xi) A manual.

25 (xii) A circular.

1 (xiii) Any combination of the items
2 described in clauses (i) through (xii).

3 (7) REGULATION.—The term “regulation”—

4 (A) means an agency statement of general
5 applicability and future effect, which the agency
6 intends to have the force and effect of law, that
7 is designed to implement, interpret, or prescribe
8 law or policy or to describe the procedure or
9 practice requirements of an agency;

10 (B) includes regulations issued pursuant
11 to—

12 (i) an informal rulemaking under sec-
13 tion 553 of title 5, United States Code;

14 (ii) a formal rulemaking under sec-
15 tions 556 and 557 of title 5, United States
16 Code; and

17 (iii) any combination of the informal
18 rulemaking described in clause (i) and the
19 formal rulemaking described in clause (ii);
20 and

21 (C) does not include—

22 (i) regulations that pertain to a mili-
23 tary or foreign affairs function of the
24 United States, other than procurement
25 regulations and regulations involving the

1 import or export of non-defense articles
2 and services;

3 (ii) regulations or regulations that are
4 limited to agency organization, manage-
5 ment, or personnel matters; or

6 (iii) any other category of regulations
7 exempted by the Administrator of Office of
8 Information and Regulatory Affairs.

9 (8) REGULATORY POLICY SCORE.—The term
10 “regulatory policy score” means a score calculated
11 by the Comptroller General by—

12 (A) adding one point for each affirmative
13 answer provided by an agency to a covered
14 question; and

15 (B) dividing the total number of points
16 added under subparagraph (A) by the total
17 number of covered questions for which answers
18 are provided by the agency.

19 (9) REGULATORY SCORECARD.—The term “reg-
20 ulatory scorecard” means a scorecard that provides
21 an A, B, C, D, or F grade for the regulatory activi-
22 ties of an agency, determined by the Comptroller
23 General only on the basis of the number that is the

- 1 average of the regulatory policy score for such agen-
- 2 cy and the economic impact score for such agency.

○