

and Venture Capital Act of 1999, and other pending matters. The markup will be held on Tuesday, May 16, 2000, beginning at 9:30 a.m. in room 428A Russell Senate Office Building.

For further information, please contact Paul Cooksey at 224-5175.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "IRS Restructuring: A New Era for Small Business." The hearing will be held on Tuesday, May 23, 2000, beginning at 10:00 a.m. in room 428A of the Russell Senate Office Building.

The hearing will be broadcast live over the Internet from our homepage address: <http://www.senate.gov/sbc>

For further information, please contact Mark Warren at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, May 9, 2000, in executive session, to mark up the FY 2001 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 2:30 p.m. on Tuesday, May 9, 2000, in executive session, to mark up the FY 2001 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 9, 2000, to conduct a hearing on "The China-WTO Agreement and Financial Services."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Criminal Justice Oversight be authorized to meet to conduct a hearing on Tuesday, May 9, 2000, at 10:00 a.m., in Dirksen 266.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Tuesday, May 9, 2000, at 9:30 a.m. for a hearing entitled "Perform-

ance Management in the District of Columbia: A Progress Report".

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Dianne Lenz, a fellow of my staff, be granted floor privileges while S. 2 is pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

EARTH FORCE YOUTH BIKE SUMMIT

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H. Con. Res. 314, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 314) authorizing the use of the Capitol Grounds for a bike rodeo to be conducted by Earth Force Youth Bike Summit.

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 3140

Mr. BROWNBACK. Mr. President, Senator MCCONNELL has a technical amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. BROWNBACK), for Mr. MCCONNELL, proposes an amendment numbered 3140.

On page 3, line 9, after "sales," insert "advertisements."

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to, the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3140) was agreed to.

The concurrent resolution (S. Con. Res. 314), as amended, was agreed to.

GREATER WASHINGTON SOAP BOX DERBY

Mr. BROWNBACK. Mr. President, I ask unanimous consent the Rules Committee be discharged from further consideration of H. Con. Res. 277, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 277) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

There being no objection, the Senate proceeded to consider the concurrent resolution.

AMENDMENT NO. 3141

Mr. BROWNBACK. Mr. President, Senator MCCONNELL has a technical amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. BROWNBACK), for Mr. MCCONNELL, proposes an amendment numbered 3141.

On page 3, line 10, after "sales," insert "advertisements."

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to, the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3141) was agreed to.

The concurrent resolution (H. Con. Res. 277), as amended, was agreed to.

TRUTH IN REGULATING ACT OF 1999

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar 424, S. 1198.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1198) to amend chapter 8 of Title 5, United States Code, to provide for a report by the General Accounting Office to Congress on agency regulatory actions, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

*This Act may be cited as the "Truth in Regulating Act of 1999".*

SEC. 2. PURPOSES.

*The purposes of this Act are to—*

- (1) increase the transparency of important regulatory decisions;
- (2) promote effective congressional oversight to ensure that agency rules fulfill statutory requirements in an efficient, effective, and fair manner; and
- (3) increase the accountability of Congress and the agencies to the people they serve.

SEC. 3. DEFINITIONS.

*In this Act, the term—*

- (1) "agency" has the meaning given such term under section 551(1) of title 5, United States Code;
- (2) "economically significant rule" means any proposed or final rule, including an interim or direct final rule, that may have an annual effect on the economy of \$100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; and
- (3) "independent evaluation" means a substantive evaluation of the agency's data, methodology, and assumptions used in developing the economically significant rule, including—

(A) an explanation of how any strengths or weaknesses in those data, methodology, and assumptions support or detract from conclusions reached by the agency; and

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

#### SEC. 4. PILOT PROJECT FOR REPORT ON RULES.

(a) IN GENERAL.—

(1) REQUEST OF REVIEW.—When an agency publishes an economically significant rule, the Comptroller General of the United States may review the rule at the request of a committee of jurisdiction of either House of Congress.

(2) REPORT.—The Comptroller General shall submit a report on each economically significant rule selected under paragraph (4) to the committees of jurisdiction in each House of Congress not later than 180 calendar days after a committee request is received. The report shall include an independent evaluation of the economically significant rule by the Comptroller General.

(3) INDEPENDENT EVALUATION.—The independent evaluation of the economically significant rule by the Comptroller General under paragraph (2) shall include—

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

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

(C) an evaluation of the agency's analysis of alternative approaches set forth in the notice of proposed rulemaking and in the rulemaking record, as well as of any regulatory impact analysis, federalism assessment, or other analysis or assessment prepared by the agency or required for the economically significant rule; and

(D) a summary of the results of the evaluation of the Comptroller General and the implications of those results.

(4) PROCEDURES FOR PRIORITIES OF REQUESTS.—The Comptroller General shall have discretion to develop procedures for determining the priority and number of requests for review under paragraph (1) for which a report will be submitted under paragraph (2).

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

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the General Accounting Office to carry out this Act \$5,200,000 for each of fiscal years 2000 through 2002.

#### SEC. 6. EFFECTIVE DATE AND DURATION OF PILOT PROJECT.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

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

(c) REPORT.—Before the conclusion of the 3-year period, the Comptroller General shall submit to Congress a report reviewing the effectiveness of the pilot project and recommending whether or not Congress should permanently authorize the pilot project.

AMENDMENT NO. 3142

(Purpose: To provide that the chairman or ranking member of a congressional committee with legislative or oversight jurisdiction may request re-

view of an economically significant rule.)

Mr. BROWNBACK. Senator LEVIN has an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for Mr. LEVIN, proposes an amendment numbered 3142.

Mr. BROWNBACK. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 7, strike lines 15 through 19 and insert the following:

(1) REQUEST FOR REVIEW.—When an agency publishes an economically significant rule, a chairman or ranking member of a committee of jurisdiction of either House of Congress may request the Comptroller General of the United States to review the rule.

Mr. THOMPSON. Mr. President, I am pleased that today the Senate has passed by unanimous consent the "Truth in Regulating Act." This legislation would support Congressional oversight to ensure that important regulatory decisions are efficient, effective, and fair.

The foundation of the "Truth in Regulating Act" is the right of Congress and the people we serve to know about important regulatory decisions. Through the General Accounting Office, which serves as Congress' eyes and ears, this legislation will help us get access to the cost-benefit analysis, risk assessment, and other key information underlying important regulatory proposals. So, in a real sense, this legislation not only gives people the right to know; it gives them the right to see—to see how the government works, or doesn't. GAO will be responsible for providing an evaluation of the analysis underlying a proposed regulation, which will enable us to communicate better with the agency up front. It will help us to ensure that the proposed regulation ultimately is sensible and consistent with Congress' intent. It will help improve the quality of important regulations. This will contribute to the success of programs the public values and improve public confidence in the Federal Government, which is a real concern today.

Under the 3-year pilot project established by this legislation, a chairman or ranking member of a committee with legislative or general oversight jurisdiction, such as Governmental Affairs, may request the GAO to provide an independent evaluation of the agency regulatory analysis for any proposed economically significant rule. The Comptroller General shall submit a report no later than 180 calendar days after a committee request is received. The Comptroller General's evaluation of the rule shall include the following: an evaluation of the agency's analysis of the potential benefits of the rule; an

evaluation of the agency's analysis of the potential costs of the rule; an evaluation of the agency's analysis of alternative approaches as well as of any cost-benefit analysis, risk assessment, federalism assessment, or other analysis prepared by the agency or required for the rule; and a summary of the results of the evaluation and the implications of those results.

Mr. President, it is my hope that the "Truth in Regulating Act" will encourage Federal agencies to make better use of modern decisionmaking tools, such as benefit-cost analysis and risk assessment. Currently, these important tools often are viewed simply as options—options that aren't used as much or as well as they should be. Over the years, the Governmental Affairs Committee has reviewed and developed a voluminous record showing that our regulatory process is not working as well as intended and is missing important opportunities to achieve more cost-effective regulation. In April 1999, I chaired a hearing in which we heard testimony on the need for this proposal. The General Accounting Office has done important studies for Governmental Affairs and other committees showing that agency practices—in cost-benefit analysis, risk assessment, federalism assessments, and in meeting transparency and disclosure requirements of laws and executive orders—need significant improvement. Many other authorities support these findings. All of us benefit when government performs well and meets the needs of the people it serves.

A lot of effort and collaboration went into this legislation, which I think is why the Senate can now approve it unanimously. S. 1198 was originally the "Congressional Accountability for Regulatory Information Act of 1999," sponsored by Senator Richard SHELBY with Senators LOTT and BOND. I sponsored S. 1244, the "Truth in Regulating Act of 1999," with Senators LINCOLN, VOINOVICH, KERREY, BREAUX, LANDRIEU, INHOFE, STEVENS, BENNETT, ROBB, HAGEL, and ROTH. We synthesized these two similar bills, and I negotiated certain changes and clarifications with JOE LIEBERMAN, the Ranking Member of the Governmental Affairs Committee. On November 3, 1999, the negotiated changes were offered as a Thompson/Lieberman substitute amendment to S. 1198, and the bill was reported by the Governmental Affairs Committee by voice vote. Afterwards, I worked on clarifications with Senator LEVIN. I thank my colleagues for pulling together to get the job done.

Mr. LEVIN. Mr. President, today I am supporting Senate passage of S. 1198, a bill to provide a three year pilot program for GAO review of certain agency rule makings. These are rule makings where the Chairman or Ranking Member of a committee of jurisdiction in the House or the Senate has requested such a review after the rule has been published as proposed.

As first introduced and considered in the Governmental Affairs Committee, I

was opposed to this bill. I was concerned that it created a two track rule making process, putting GAO in the shoes of the rule making agency and having GAO carry out its own interpretation of the public comments, scientific studies and economic analyses involved in the development of the rule. But through the work of Senator THOMPSON and Senator LIEBERMAN, the bill has been reworked and refined to a point where it may provide the agencies, Congress and the public with helpful information in evaluating the work of a rule making in progress without jeopardizing the separate and distinct roles played by the Executive and Legislative branches in the regulatory process.

As most of my colleagues know, I, along with Senator THOMPSON, have been fighting for years for a regulatory reform bill that would establish clear cost-benefit analysis standards for federal rule making agencies. I believe it is very important that federal agencies do a reasonable and proficient job of assessing the potential costs and the potential benefits of a proposed regulatory option and that they inform the public and Congress of those costs and benefits and tell us whether it's likely that the benefits of a proposed rule justify the costs. If an agency can't make that determination or if an agency concludes that the benefits of a rule don't justify the costs, then it should have the obligation to tell us why it is going ahead with the regulation. That, to me, is common sense. And it's particularly important in light of recent studies which show that numerous rules issued by federal agencies don't have benefits that justify the costs. We need to know why and in the future, with that information, we can decide whether we want to regulate under those circumstances. But Senator THOMPSON and I, despite a wide ranging group of supporters and the commitment of the Administration to sign the bill, have been frustrated in our efforts to get such a bill passed.

I think passing The Regulatory Improvement Act, S. 746, should be our first priority—getting the basic systems in place—and then once passed, consider an evaluative role for GAO in reviewing what agencies are doing in response to the requirements of that new law. But in the face of entrenched opposition to the Regulatory Improvement Act, the Governmental Affairs Committee has pushed ahead with the GAO bill, and given the significant amendments made to the bill during the Committee's markup and the amendment we are adopting here, on the Senate floor, today, I am willing to help advance this legislation now. The amendments to which I refer did several important things, including: specifying that GAO's role is to review the work of the agency and not the substance of the rule; beginning GAO's review after the rule has been published as proposed; and ensuring the existing discretion and authority of both the rule making agencies and the GAO.

Mr. President, I would like to confirm with the chairman and ranking member of the Governmental Affairs Committee, if they would, my understanding of certain provisions of this bill. First, I understand from this legislation that the rule making agencies retain their authority and discretion with respect to the issuance of rules. Nothing in this bill is intended to alter an agency's authority or discretion with respect to a rule making. Is that right?

Mr. LIEBERMAN. The Senator from Michigan is correct.

Mr. LEVIN. It is also my understanding that this legislation is not intended to authorize any delay in the issuance of a rule.

Mr. THOMPSON. That's right.

Mr. LEVIN. And finally, it is my understanding that when GAO issues its report on a rule pursuant to this legislation, that report, like the audit reports GAO issues now, will allow for the subject agency to respond to the findings and comments of GAO and will embody the agency's response in the GAO report. Is that right?

Mr. THOMPSON. That is correct.

Mr. LEVIN. In short, then, this legislation neither expands or contracts the authority of GAO in reviewing an agency's rule making nor does it expand or contract a rule making agency's authority to develop or issue a rule. The legislation establishes a process by which a chairman or ranking member of a committee of jurisdiction can request GAO after a proposed rule is published, to review the rule and report to Congress within 180 days, and it gives GAO the staff resources to carry those reviews out. Is that right?

Mr. LIEBERMAN. The Senator is correct.

Mr. LEVIN. I thank the Senator from Tennessee and the Senator from Connecticut for their clarifications.

Mr. BROWNBACK. I ask unanimous consent the amendment be agreed to, the committee substitute, as amended, be agreed to, the bill be read the third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3142) was agreed to.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The bill (S. 1198), as amended, was read the third time and passed, as follows:

S. 1198

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Truth in Regulating Act of 2000".

**SEC. 2. PURPOSES.**

The purposes of this Act are to—

(1) increase the transparency of important regulatory decisions;

(2) promote effective congressional oversight to ensure that agency rules fulfill statutory requirements in an efficient, effective, and fair manner; and

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

**SEC. 3. DEFINITIONS.**

In this Act, the term—

(1) "agency" has the meaning given such term under section 551(1) of title 5, United States Code;

(2) "economically significant rule" means any proposed or final rule, including an interim or direct final rule, that may have an annual effect on the economy of \$100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; and

(3) "independent evaluation" means a substantive evaluation of the agency's data, methodology, and assumptions used in developing the economically significant rule, including—

(A) an explanation of how any strengths or weaknesses in those data, methodology, and assumptions support or detract from conclusions reached by the agency; and

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

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

(a) IN GENERAL.—

(1) REQUEST FOR REVIEW.—When an agency publishes an economically significant rule, a chairman or ranking member of a committee of jurisdiction of either House of Congress may request the Comptroller General of the United States to review the rule.

(2) REPORT.—The Comptroller General shall submit a report on each economically significant rule selected under paragraph (4) to the committees of jurisdiction in each House of Congress not later than 180 calendar days after a committee request is received. The report shall include an independent evaluation of the economically significant rule by the Comptroller General.

(3) INDEPENDENT EVALUATION.—The independent evaluation of the economically significant rule by the Comptroller General under paragraph (2) shall include—

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

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

(C) an evaluation of the agency's analysis of alternative approaches set forth in the notice of proposed rulemaking and in the rule-making record, as well as of any regulatory impact analysis, federalism assessment, or other analysis or assessment prepared by the agency or required for the economically significant rule; and

(D) a summary of the results of the evaluation of the Comptroller General and the implications of those results.

(4) PROCEDURES FOR PRIORITIES OF REQUESTS.—The Comptroller General shall have discretion to develop procedures for determining the priority and number of requests for review under paragraph (1) for which a report will be submitted under paragraph (2).

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

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the General Accounting Office to carry out this Act \$5,200,000 for each of fiscal years 2000 through 2002.

SEC. 6. EFFECTIVE DATE AND DURATION OF PILOT PROJECT.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

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

(c) REPORT.—Before the conclusion of the 3-year period, the Comptroller General shall submit to Congress a report reviewing the effectiveness of the pilot project and recommending whether or not Congress should permanently authorize the pilot project.

The title was amended to read: "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."

ORDERS FOR WEDNESDAY, MAY 10, 2000

Mr. BROWNBACk. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, May 10. I further ask consent that immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate immediately proceed to a vote on the motion to proceed to the conference report to accompany H.R. 434, the African Trade-Caribbean Basin Initiative, as under the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWNBACk. For the information of all Senators, the Senate will vote on the motion to proceed to the African trade conference report at 9:30 a.m. If the motion to proceed is adopted, cloture will be filed on the conference report, with that cloture vote

to occur on Thursday at 10:30 a.m. Debate on the measure is expected to take up most of tomorrow's session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACk. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:51 p.m., adjourned until Wednesday, May 10, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 9, 2000:

DEPARTMENT OF STATE

MARJORIE RANSOM, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF YEMEN.

THE JUDICIARY

PAUL C. HUCK, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE KENNETH L. RYSKAMP, RETIRED.