

104TH CONGRESS
1ST SESSION

S. 439

To direct the Director of the Office of Management and Budget to establish commissions to review regulations issued by certain Federal departments and agencies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 16 (legislative day, JANUARY 30), 1995

Mr. THOMAS (for himself, Mr. LOTT, Mr. SIMPSON, Mr. INHOFE, Mr. COATS, Mr. MURKOWSKI, and Mr. COCHRAN) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To direct the Director of the Office of Management and Budget to establish commissions to review regulations issued by certain Federal departments and 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 Reform
5 Commissions Act of 1995”.

6 **SEC. 2. FINDING AND PURPOSE.**

7 (a) FINDING.—The Congress finds that—

1 (1) excessive and misguided regulations impose
2 enormous economic costs that, like excessive taxes,
3 stifle economic growth and job creation; and

4 (2) the cost of complying with Federal regula-
5 tions alone is estimated between \$300,000,000,000
6 and \$500,000,000,000 per year, which amounts to
7 \$4,000 to \$6,000 per working man and woman in
8 America.

9 (b) PURPOSE.—The purpose of this Act is to dem-
10 onstrate the need to reexamine the policies and procedures
11 of Federal agencies which impose regulatory burden, to
12 determine what changes are necessary and desirable in
13 those policies and procedures.

14 **SEC. 3. REVIEW OF FEDERAL REGULATIONS.**

15 (a) IN GENERAL.—Each of the commissions estab-
16 lished under section 4 by the Director of the Office of
17 Management and Budget (referred to in this Act as the
18 “Director”) shall review the regulations issued by the de-
19 partment or agency with respect to which the commission
20 is established.

21 (b) STANDARDS OF REVIEW.—In reviewing regula-
22 tions under this section, each commission shall examine
23 and determine—

24 (1) whether the regulations are—

1 (A) within the scope of authority of the
2 statutes under which the regulations were is-
3 sued; and

4 (B) in accordance with the original intent
5 of the Congress in approving the statutes;

6 (2) whether administrative decisions made
7 under the regulations were based on adequate infor-
8 mation concerning the need for and consequences of
9 proposed Governmental action;

10 (3) whether regulatory action was taken only in
11 instances where potential economic benefits to soci-
12 ety of taking an action exceed the economic costs to
13 society of taking the action;

14 (4) whether the objectives of regulatory actions
15 were selected to minimize net economic costs to
16 society;

17 (5) whether in selecting among alternative ap-
18 proaches for achieving objectives of regulatory ac-
19 tions, the alternative selected was the alternative in-
20 volving the least net economic cost to society;

21 (6) whether Federal agencies, in selecting regu-
22 latory priorities, have taken into account—

23 (A) the condition of the particular employ-
24 ers and employees affected by regulatory ac-
25 tions;

1 (B) the condition of the regional and na-
2 tional economy; and

3 (C) other Federal regulatory actions being
4 considered; and

5 (7) whether the regulations are subject to judi-
6 cial review.

7 (c) CONSULTATION AND COMMENT.—In carrying out
8 reviews under this section, each commission shall—

9 (1) consult with the Congress and relevant con-
10 gressional committees; and

11 (2) solicit and consider views and suggestions of
12 persons affected by the regulations reviewed by the
13 commission.

14 (d) REPORTS.—

15 (1) IN GENERAL.—Each commission established
16 under section 4 shall submit reports in accordance
17 with this subsection to the Congress, the Director,
18 and the head of the department or agency with re-
19 spect to which the commission is established. The re-
20 ports shall consist of—

21 (A) an interim report submitted by not
22 later than 1 year after the completion of ap-
23 pointments of the members of the commission;

1 (B) a final report submitted by not later
2 than 2 years after the completion of the ap-
3 pointments.

4 (2) CONTENTS.—Each report under this sub-
5 section shall describe the determinations made by
6 the commission under each of paragraphs (1), (2),
7 (3), (4), (5), (6), and (7) of subsection (b) for the
8 period covered by the report.

9 **SEC. 4. ESTABLISHMENT OF COMMISSIONS.**

10 (a) IN GENERAL.—Not later than 6 months after the
11 date of enactment of this Act, the Director shall establish
12 3 commissions to carry out reviews under section 3. Of
13 the commissions established under this section, one shall
14 be established with respect to each of—

- 15 (1) the Environmental Protection Agency;
16 (2) the Department of Labor; and
17 (3) the Department of the Interior.

18 (b) MEMBERSHIP.—Each commission established
19 under this section shall be composed of 13 members as
20 follows:

- 21 (1) 2 Members of the Senate appointed by the
22 Majority Leader of the Senate, who shall be Mem-
23 bers of different political parties.

1 (2) 2 Members appointed by the Speaker of the
2 House of Representatives, who shall be Members of
3 different political parties.

4 (3) 5 members appointed by the President from
5 among persons affected by regulatory actions of the
6 department or agency with respect to which the
7 commission is established, of whom not more than 3
8 may be members of the same political party.

9 (4) 4 members appointed by the head of the de-
10 partment or agency with respect to which the com-
11 mission is established, from among the career em-
12 ployees of the agency.

13 (c) COMPENSATION.—Each member of the commis-
14 sion shall serve without compensation in addition to that
15 received for such member's services as an officer or em-
16 ployee of the United States.

17 (d) EXPENSES.—The head of a Federal department
18 or agency with respect to which a commission is estab-
19 lished under this section shall pay the expenses incurred
20 by the commission in carrying out this Act.

21 (e) TERMINATION.—Each commission established by
22 this section shall terminate on the date the commission
23 submits a final report under section 3(d)(1)(B).

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