

106TH CONGRESS  
1ST SESSION

# 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.

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## IN THE SENATE OF THE UNITED STATES

JUNE 9, 1999

Mr. SHELBY (for himself, Mr. BOND, and Mr. LOTT) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

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.

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 “Congressional Ac-  
5 countability for Regulatory Information Act of 1999”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1           (1) many Federal regulations have improved  
2 the quality of life of the American public, however,  
3 uncontrolled increases in regulatory costs and lost  
4 opportunities for better regulation cannot be contin-  
5 ued;

6           (2) the legislative branch has a responsibility to  
7 ensure that laws passed by Congress are properly  
8 implemented by the executive branch; and

9           (3) in order for the legislative branch to fulfill  
10 its responsibilities to ensure that laws passed by  
11 Congress are implemented in an efficient, effective,  
12 and fair manner, the Congress requires accurate and  
13 reliable information on which to base decisions.

14 **SEC. 3. REPORTS ON REGULATORY ACTIONS BY THE GEN-**  
15 **ERAL ACCOUNTING OFFICE.**

16       (a) IN GENERAL.—Section 801(a)(2) of title 5,  
17 United States Code, is amended by striking subparagraph  
18 (B) and inserting the following:

19       “(B)(i) After an agency publishes a regulatory action,  
20 a committee of either House of Congress with legislative  
21 or oversight jurisdiction relating to the action may request  
22 the Comptroller General to review the action under clause  
23 (ii).

24       “(ii) Of requests made under clause (i), the Comp-  
25 troller General shall provide a report on each regulatory

1 action selected under clause (iv) to the committee which  
2 requested the report (and the committee of jurisdiction in  
3 the other House of Congress) not later than 180 calendar  
4 days after the committee request is received. The report  
5 shall include an independent analysis of the regulatory ac-  
6 tion by the Comptroller General using any relevant data  
7 or analyses available to or generated by the General Ac-  
8 counting Office.

9 “(iii) The independent analysis of the regulatory ac-  
10 tion by the Comptroller General under clause (ii) shall  
11 include—

12 “(I) an analysis by the Comptroller General of  
13 the potential benefits of the regulatory action, in-  
14 cluding any beneficial effects that cannot be quan-  
15 tified in monetary terms and the identification of  
16 those likely to receive the benefits;

17 “(II) an analysis by the Comptroller General of  
18 the potential costs of the regulatory action, including  
19 any adverse effects that cannot be quantified in  
20 monetary terms and the identification of those likely  
21 to bear the costs;

22 “(III) an analysis by the Comptroller General  
23 of any alternative regulatory approaches, which have  
24 been identified, that could achieve the same goal in  
25 a more cost-effective manner or that could provide

1 greater net benefits, and, if applicable, a brief expla-  
2 nation of any statutory reasons why such alter-  
3 natives could not be adopted;

4 “(IV) an analysis of the extent to which the  
5 regulatory action would affect State or local govern-  
6 ments; and

7 “(V) a summary of how the results of the  
8 Comptroller General’s analysis differ, if at all, from  
9 the results of the analyses of the agency in promul-  
10 gating the regulatory action.

11 “(iv) In consultation with the Majority and Minority  
12 Leaders of the Senate and the Speaker and Minority  
13 Leader of the House of Representatives, the Comptroller  
14 General shall develop procedures for determining the pri-  
15 ority and number of those requests for review under clause  
16 (i) that will be reported under clause (ii).

17 “(C) Federal agencies shall cooperate with the Comp-  
18 troller General by promptly providing the Comptroller  
19 General with such records and information as the Comp-  
20 troller General determines necessary to carry out this sec-  
21 tion.”.

22 (b) DEFINITIONS.—Section 804 of title 5, United  
23 States Code, is amended—

24 (1) by redesignating paragraphs (2) and (3) as  
25 paragraphs (3) and (5), respectively;

1           (2) by inserting after paragraph (1) the fol-  
2           lowing:

3           “(2) The term ‘independent analysis’ means a  
4           substantive review of the agency’s underlying assess-  
5           ments and assumptions used in developing the regu-  
6           latory action and any additional analysis the Comp-  
7           troller General determines to be necessary.”; and

8           (3) by inserting after paragraph (3) (as redesign-  
9           nated by paragraph (1) of this subsection) the fol-  
10          lowing:

11          “(4) The term ‘regulatory action’ means—

12                 “(A) notice of proposed rule making;

13                 “(B) final rule making, including interim  
14                 final rule making; or

15                 “(C) a rule.”.

16 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

17          There are authorized to be appropriated to the Gen-  
18          eral Accounting Office to carry out chapter 8 of title 5,  
19          United States Code, \$5,200,000 for each of fiscal years  
20          2000 through 2003.

21 **SEC. 5. EFFECTIVE DATE.**

22          This Act and the amendments made by this Act shall  
23          take effect 180 days after the date of enactment of this  
24          Act.

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