

106TH CONGRESS
1ST SESSION

S. 1244

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.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 1999

Mr. THOMPSON (for himself, Mrs. LINCOLN, Mr. VOINOVICH, Mr. KERREY, and Mr. BREAUX) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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.

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 “Truth in Regulating
5 Act of 1999”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are to—

8 (1) increase the transparency of important reg-
9 ulatory decisions;

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

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

6 **SEC. 3. DEFINITIONS.**

7 In this Act, the term—

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

10 (2) “economically significant rule” means any
11 proposed or final rule, including an interim or direct
12 final rule, that may have an annual effect on the
13 economy of \$100,000,000 or more or adversely af-
14 fect in a material way the economy, a sector of the
15 economy, productivity, competition, jobs, the envi-
16 ronment, public health or safety, or State, local, or
17 tribal governments or communities; and

18 (3) “independent analysis” means a substantive
19 review of the agency’s underlying assessments and
20 assumptions used in developing the regulatory action
21 and whatever additional analysis the Comptroller
22 General determines to be necessary.

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

24 (a) IN GENERAL.—

1 (1) REQUEST OF REVIEW.—When an agency
2 develops or issues an economically significant rule,
3 the Comptroller General of the United States may
4 review the rule at the request of a committee of ei-
5 ther House of Congress.

6 (2) REPORT.—The Comptroller General shall
7 submit a report on each economically significant rule
8 selected under paragraph (4) to the committees of
9 jurisdiction in each House of Congress not later
10 than 180 calendar days after a committee request is
11 received. The report shall include an independent
12 analysis of the economically significant rule by the
13 Comptroller General using any relevant data or anal-
14 yses available to or generated by the General Ac-
15 counting Office.

16 (3) INDEPENDENT ANALYSIS.—The inde-
17 pendent analysis of the economically significant rule
18 by the Comptroller General under paragraph (2)
19 shall include—

20 (A) an analysis of the potential benefits of
21 the rule, including any beneficial effects that
22 cannot be quantified in monetary terms and the
23 identification of the persons or entities likely to
24 receive the benefits;

1 (B) an analysis of the potential costs of
2 the rule, including any adverse effects that can-
3 not be quantified in monetary terms and the
4 identification of the persons or entities likely to
5 bear the costs;

6 (C) an analysis of alternative approaches
7 that could achieve the statutory goal in a more
8 cost-effective manner or that could provide
9 greater net benefits, and, if applicable, a brief
10 explanation of any reason why such alternatives
11 could not be adopted;

12 (D) an analysis of the extent to which the
13 rule would affect State or local governments;
14 and

15 (E) a summary of how the results of the
16 analysis of the Comptroller General differ, if at
17 all, from the results of the analyses of the agen-
18 cy in promulgating the rule.

19 (4) PROCEDURES FOR PRIORITIES OF RE-
20 QUESTS.—The Comptroller General shall have dis-
21 cretion to develop procedures for determining the
22 priority and number of requests for review under
23 paragraph (1) for which a report will be submitted
24 under paragraph (2).

1 (b) COOPERATION WITH COMPTROLLER GENERAL.—
2 Each agency shall cooperate with the Comptroller General
3 by promptly providing the Comptroller General with such
4 records and information that the Comptroller General de-
5 termines necessary to carry out this Act.

6 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

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

10 **SEC. 6. EFFECTIVE DATE AND DURATION OF PILOT**
11 **PROJECT.**

12 (a) EFFECTIVE DATE.—This Act and the amend-
13 ments made by this Act shall take effect 90 days after
14 the date of enactment of this Act.

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

21 (c) REPORT.—Before the conclusion of the 3-year pe-
22 riod, the Comptroller General shall submit to Congress a
23 report reviewing the effectiveness of the pilot project and

- 1 recommending whether or not Congress should perma-
- 2 nently authorize the pilot project.

