

106TH CONGRESS
2D SESSION

H. R. 3521

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2000

Mr. MCINTOSH introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Government Reform, 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 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 2000”.

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 should not be
5 continued;

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

14 (4) the legal effect of many Federal agency
15 guidance documents and other Federal agency state-
16 ments that are not published in the Code of Federal
17 Regulations is often not clear to the affected public.

18 SEC. 3. REPORTS ON REGULATORY ACTIONS BY THE GEN-
19 ERAL ACCOUNTING OFFICE.

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

23 "(B)(i) After an agency publishes a regulatory action,
24 a committee of either House of Congress with legislative
25 or oversight jurisdiction relating to the action may request

1 the Comptroller General to review the action under clause
2 (ii).

3 “(ii) Of requests made under clause (i), the Com-
4 troller General shall provide a report on each regulatory
5 action selected under clause (iv) to the committee which
6 requested the report (and the committee of jurisdiction in
7 the other House of Congress)—

8 “(I) except as provided in subclause (II), by not
9 later than 180 calendar days after the committee re-
10 quest is received; or

11 “(II) in the case of a request for review of a no-
12 tice of proposed rule making or an interim final rule
13 making, by not later than the end of the 60-cal-
14 endar-day period beginning on the date the com-
15 mittee request is received, or the end of the period
16 for submission of comment regarding the rule mak-
17 ing, whichever is later.

18 The report shall include an independent analysis of the
19 regulatory action by the Comptroller General using any
20 relevant data or analyses available to or generated by the
21 General Accounting Office.

22 “(iii) The independent analysis of the regulatory ac-
23 tion by the Comptroller General under clause (ii) shall
24 include—

1 “(I) an analysis by the Comptroller General of
2 the potential benefits of the regulatory action, in-
3 cluding any beneficial effects that cannot be quan-
4 tified in monetary terms and the identification of
5 those likely to receive the benefits;

6 “(II) an analysis by the Comptroller General of
7 the potential costs of the regulatory action, including
8 any adverse effects that cannot be quantified in
9 monetary terms and the identification of those likely
10 to bear the costs;

11 “(III) an analysis by the Comptroller General
12 of any alternative regulatory approaches that could
13 achieve the same goal in a more cost-effective man-
14 ner or that could provide greater net benefits, and,
15 if applicable, a brief explanation of any statutory
16 reasons why such alternatives could not be adopted;

17 “(IV) an analysis of the extent to which the
18 regulatory action would affect State or local govern-
19 ments; and

20 “(V) a summary of how the results of the
21 Comptroller General’s analysis differ, if at all, from
22 the results of the analyses of the agency in promul-
23 gating the regulatory action.

24 “(iv) In consultation with the Majority and Minority
25 Leaders of the Senate and the Speaker and Minority

1 Leader of the House of Representatives, the Comptroller
2 General shall develop procedures for determining the pri-
3 ority and number of those requests for review under clause
4 (i) that will be reported under clause (ii). The procedures
5 shall give the highest priority to requests regarding a no-
6 tice of proposed rule making for a major rule, and to re-
7 quests regarding an interim final rule making for a major
8 rule.

9 “(C) Federal agencies shall cooperate with the Com-
10 troller General by promptly providing the Comptroller
11 General with such records and information as the Com-
12 troller General determines necessary to carry out this sec-
13 tion.”.

14 (b) **DEFINITIONS.**—Section 804 of title 5, United
15 States Code, is amended—

16 (1) by redesignating paragraphs (2) and (3) as
17 paragraphs (3) and (5), respectively;

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

20 “(2) The term ‘independent analysis’ means a
21 substantive review of the agency’s underlying assess-
22 ments and assumptions used in developing the regu-
23 latory action and any additional analysis the Com-
24 troller General determines to be necessary.”; and

1 (3) by inserting after paragraph (3) (as redesignated by paragraph (1) of this subsection) the following:

8 “(C) a rule”

9 SEC. 4. DISCLOSURE OF NONBINDING EFFECT OF GUID-

10 ANCE DOCUMENTS.

11 (a) IN GENERAL.—Chapter 8 of title 5, United
12 States Code, is amended by inserting after section 803 the
13 following:

16 “The head of an agency shall include on the first
17 page of each statement published by the agency that is
18 not a rule a notice that the statement has no general appli-
19 cability or future effect (or both), as applicable, and is
20 not binding on the public.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 8 of title 5, United States Code, is amended by inserting after the item relating to section 803 the following:

“803a. Notice of nonbinding effect of agency guidance.”.

1 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

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

6 **SEC. 6. EFFECTIVE DATE.**

7 This Act and the amendments made by this Act shall
8 take effect 180 days after the date of enactment of this
9 Act.

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