

108TH CONGRESS
2D SESSION

H. R. 5123

To require agencies to review all major rules within 10 years after issuance, including a cost-benefit analysis using a standard government-wide methodology, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2004

Mr. BARRETT of South Carolina (for himself and Mr. OSE) introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To require agencies to review all major rules within 10 years after issuance, including a cost-benefit analysis using a standard government-wide methodology, 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 “Major Regulation Cost
5 Review Act of 2004”.

1 **SEC. 2. REQUIREMENT FOR PERIODIC REVIEW OF ALL**
2 **MAJOR RULES.**

3 (a) REQUIREMENT.—Chapter 6 of title 5, United
4 States Code, is amended by inserting after section 610 the
5 following new section:

6 **“§ 610a. Periodic review of major rules**

7 “(a) REQUIREMENT FOR REVIEW OF MAJOR
8 RULES.—Not later than 180 days after the date of the
9 enactment of the Major Regulation Cost Review Act of
10 2004, each agency shall publish in the Federal Register
11 a plan for the periodic review of all the major rules issued
12 by the agency. Such plan may be amended by the agency
13 at any time by publishing the revision in the Federal Reg-
14 ister.

15 “(b) PURPOSE OF REVIEW.—The purpose of the re-
16 view shall be to determine whether such rules should be
17 continued without change, or should be amended or re-
18 scinded, consistent with the stated objectives of applicable
19 statutes.

20 “(c) REVIEW WITHIN FIVE YEARS.—The plan shall
21 provide for the review of all such agency rules existing on
22 the effective date of the Major Regulation Cost Review Act
23 of 2004 within five years after that date and for the review
24 of such rules adopted after such effective date within five
25 years after the publication of such rules as the final rule.
26 If the head of the agency determines that completion of

1 the review of existing rules is not feasible by the estab-
2 lished date, the head of the agency shall so certify in a
3 statement published in the Federal Register and may ex-
4 tend the completion date by one year at a time for a total
5 of not more than five years.

6 “(d) FACTORS TO CONSIDER.—In reviewing major
7 rules in a manner consistent with the stated objectives of
8 applicable statutes, the agency shall consider the following
9 factors:

10 “(1) The continued need for the rule.

11 “(2) The nature of complaints or comments re-
12 ceived concerning the rule from the public.

13 “(3) The complexity of the rule.

14 “(4) The extent to which the rule overlaps, du-
15 plicates, or conflicts with other Federal rules, and,
16 to the extent feasible, with State and local govern-
17 mental rules.

18 “(5) The length of time since the rule has been
19 evaluated or the degree to which technology, eco-
20 nomic conditions, or other factors have changed in
21 the area affected by the rule.

22 “(e) COST-BENEFIT ANALYSIS.—The review shall in-
23 clude a cost-benefit analysis of the rule, using the stand-
24 ard cost-benefit methodology included in Office of Man-
25 agement and Budget Circular A–4 (relating to regulatory

1 analysis and issued September 17, 2003). The cost-benefit
2 analysis shall include an identification and consideration
3 of a range of less costly regulatory alternatives.

4 “(f) PUBLICATION OF LIST OF RULES TO BE RE-
5 VIEWED.—Each year, each agency shall publish in the
6 Federal Register a list of the major rules which are to
7 be reviewed pursuant to this section during the succeeding
8 12 months and which are to be included in the accounting
9 statement and associated report submitted to Congress by
10 the Director of the Office of Management and Budget
11 under paragraph (4) of section 624(a) of the Treasury and
12 General Government Appropriations Act, 2001 (as added
13 by section 3 of the Major Regulation Cost Review Act of
14 2004). The list shall include a brief description of each
15 such major rule and the need for and legal basis of such
16 rule, and shall invite public comment upon the rule.

17 “(g) MAJOR RULE DEFINED.—In this section, the
18 term ‘major rule’ has the meaning provided by section 804
19 of this title.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 for chapter 6 of title 5, United States Code, is amended
22 by inserting after the item relating to section 610 the fol-
23 lowing new item:

“610a. Periodic review of major rules.”.

1 **SEC. 3. REQUIREMENTS FOR OMB RELATING TO ANNUAL**
2 **ACCOUNTING STATEMENT.**

3 (a) REQUIREMENT TO INCLUDE LIST OF RULES TO
4 BE REVIEWED IN ANNUAL ACCOUNTING STATEMENT.—
5 Section 624(a) of the Treasury and General Government
6 Appropriations Act, 2001 (as enacted into law by Public
7 Law 106–554; 114 Stat. 2763A–161), is amended—

8 (1) by striking “and” at the end of paragraph
9 (2);

10 (2) by striking the period at the end of para-
11 graph (3) and inserting “; and”; and

12 (3) by adding at the end the following new
13 paragraph:

14 “(4) a list of the major rules which are to be
15 reviewed by each agency, during the year following
16 the year in which the statement and report are sub-
17 mitted, pursuant to section 610a of title 5, United
18 States Code.”.

19 (b) REQUIREMENT TO USE AGENCY COST-BENEFIT
20 ESTIMATES IN ANNUAL ACCOUNTING STATEMENT.—Sec-
21 tion 624 of the Treasury and General Government Appro-
22 priations Act, 2001 (as enacted into law by Public Law
23 106–554; 114 Stat. 2763A–161), is amended—

24 (1) by redesignating subsections (b), (c), and
25 (d) as subsections (c), (d), and (e), respectively; and

1 (2) by inserting after subsection (a) the fol-
2 lowing new subsection:

3 “(b) USE OF AGENCY COST-BENEFIT ANALYSES RE-
4 QUIRED.—To carry out subsection (a), the Director of the
5 Office of Management and Budget shall require each
6 agency annually to submit to the Office of Management
7 and Budget the cost-benefit analyses conducted under sec-
8 tion 610a of title 5, United States Code, for major rules
9 of the agency during the preceding year.”.

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