

109TH CONGRESS
1ST SESSION

H. R. 3143

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

JUNE 30, 2005

Mr. BARRETT of South Carolina (for himself, Mr. GINGREY, Mrs. MUSGRAVE, Mr. HOSTETTLER, Mr. BRADY of Texas, Mr. GARRETT of New Jersey, Mr. AKIN, Mr. WICKER, Mr. GOODE, Mr. KUHLMAN of New York, Mr. MILLER of Florida, Mr. ISTOOK, Mr. CHOCOLA, Mr. WILSON of South Carolina, Mrs. CUBIN, Mr. FLAKE, Mr. BROWN of South Carolina, Mr. WELDON of Florida, Mr. PENCE, Mr. WAMP, Mr. GUTKNECHT, Mr. FEENEY, Mr. ROYCE, Mr. TERRY, Ms. HART, Mr. JONES of North Carolina, Mr. CHABOT, Mrs. MYRICK, Mr. CANTOR, Mr. ROHRBACHER, Mr. TANCREDO, Mr. BISHOP of Utah, Mr. MCHENRY, and Mr. SOUDER) 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Major Regulation Cost
3 Review Act of 2005”.

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

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

9 **“§ 610a. Periodic review of major rules**

10 “(a) REQUIREMENT FOR REVIEW OF MAJOR
11 RULES.—Not later than 180 days after the date of the
12 enactment of the Major Regulation Cost Review Act of
13 2005, each agency shall publish in the Federal Register
14 a plan for the periodic review of all the major rules issued
15 by the agency. Such plan may be amended by the agency
16 at any time by publishing the revision in the Federal Reg-
17 ister.

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

23 “(c) REVIEW WITHIN FIVE YEARS.—The plan shall
24 provide for the review of all such agency rules existing on
25 the effective date of the Major Regulation Cost Review Act
26 of 2005 within five years after that date and for the review

1 of such rules adopted after such effective date within five
2 years after the publication of such rules as the final rule.
3 If the head of the agency determines that completion of
4 the review of existing rules is not feasible by the estab-
5 lished date, the head of the agency shall so certify in a
6 statement published in the Federal Register and may ex-
7 tend the completion date by one year at a time for a total
8 of not more than five years.

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

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

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

16 “(3) The complexity of the rule.

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

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

1 “(e) COST-BENEFIT ANALYSIS.—The review shall in-
2 clude a cost-benefit analysis of the rule, using the stand-
3 ard cost-benefit methodology included in Office of Man-
4 agement and Budget Circular A–4 (relating to regulatory
5 analysis and issued September 17, 2003). The cost-benefit
6 analysis shall include an identification and consideration
7 of a range of less costly regulatory alternatives.

8 “(f) PUBLICATION OF LIST OF RULES TO BE RE-
9 VIEWED.—Each year, each agency shall publish in the
10 Federal Register a list of the major rules which are to
11 be reviewed pursuant to this section during the succeeding
12 12 months and which are to be included in the accounting
13 statement and associated report submitted to Congress by
14 the Director of the Office of Management and Budget
15 under paragraph (4) of section 624(a) of the Treasury and
16 General Government Appropriations Act, 2001 (as added
17 by section 3 of the Major Regulation Cost Review Act of
18 2005). The list shall include a brief description of each
19 such major rule and the need for and legal basis of such
20 rule, and shall invite public comment upon the rule.

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

24 (b) CLERICAL AMENDMENT.—The table of sections
25 for chapter 6 of title 5, United States Code, is amended

1 by inserting after the item relating to section 610 the fol-
 2 lowing new item:

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

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

5 (a) REQUIREMENT TO INCLUDE LIST OF RULES TO
 6 BE REVIEWED IN ANNUAL ACCOUNTING STATEMENT.—

7 Section 624(a) of the Treasury and General Government
 8 Appropriations Act, 2001 (as enacted into law by Public
 9 Law 106–554; 114 Stat. 2763A–161), is amended—

10 (1) by striking “and” at the end of paragraph
 11 (2);

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

14 (3) by adding at the end the following new
 15 paragraph:

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

21 (b) REQUIREMENT TO USE AGENCY COST-BENEFIT
 22 ESTIMATES IN ANNUAL ACCOUNTING STATEMENT.—Sec-
 23 tion 624 of the Treasury and General Government Appro-
 24 priations Act, 2001 (as enacted into law by Public Law
 25 106–554; 114 Stat. 2763A–161), is amended—

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

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

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

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