

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 2: Mr. CHRISTENSEN.

H.J. Res. 24: Mr. CHRISTENSEN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1022

OFFERED BY: MR. MICA

AMENDMENT NO. 4: At the end of the bill, add the following new title:

TITLE VII—REGULATORY REVIEW

SEC. 701. SHORT TITLE.

This title may be cited as the "Regulatory Review Act of 1995".

SEC. 702. PURPOSE.

The purposes of this title are the following:

- (1) To require covered Federal agencies to regularly review their regulations and make recommendations to terminate, continue in effect, modify, or consolidate those regulations.

- (2) To require covered Federal agencies to submit those recommendations to the Administrator of the Office of Information and Regulatory Affairs and to the Congress.

- (3) To designate a Regulatory Review Officer within each covered Federal agency, who is responsible for the implementation of this title by the covered Federal agency.

SEC. 703. REVIEW OF REGULATIONS.

The President shall require each covered agency to do the following every 7 years for each rule designed to protect human health, safety, or the environment that is proposed or promulgated by the agency before or after the date of the enactment of this Act:

- (1) Review the regulation in accordance with section 704.

- (2) After the review but not later than 120 days before the expiration of the 7-year period, submit to the Congress and publish in the Federal Register a preliminary report on the findings and proposed recommendations of that review in accordance with section 705(a)(1).

- (3) Review and consider comments regarding the preliminary report that are transmitted to the covered Federal agency by the Administrator and appropriate committees of the Congress during the 60-day period beginning on the date of submission of the preliminary report.

- (4) After the 60-day period beginning on the date of submission of the preliminary report to the Congress but not later than 60 days before the expiration of the 7-day period, submit to the Congress and publish in the Federal Register a final report on the review under section 704 in accordance with section 705(a)(2).

- (5) Make either the certification referred to in section 708 or the modification or consolidation referred to in that section.

SEC. 704. REVIEW OF REGULATIONS BY COVERED FEDERAL AGENCY.

(a) IN GENERAL.—The head of each covered Federal agency shall, under the criteria set forth in subsection (b) prepare the following:

- (1) A thorough and systematic review of all regulations designed to protect human health, safety, and the environment that are issued by the covered Federal agency to determine if those regulations are obsolete, inconsistent, or duplicative or impede competition.

- (2) Report on the findings of those reviews, which contain recommendations for—

- (A) any appropriate modifications to a regulation recommended to be extended; or

- (B) any appropriate consolidations of regulations.

(b) CRITERIA FOR REVIEW.—

- (1) IN GENERAL.—The head of a covered Federal agency shall review each regulation referred to in subsection (a)(1) based on the criteria referred to in paragraph (2). Pursuant to such review, the head of the agency shall issue recommendations on—

- (A) whether the head of the agency should certify that the regulation is effective based on such criteria; or

- (B) if the head of the agency is unable to make such certification because the regulation does not meet such criteria, whether the regulation should be modified or consolidated.

- (2) CRITERIA.—The criteria referred to in paragraph (1) are the following:

- (A) The regulation is not outdated, obsolete, or unnecessary.

- (B) The regulation or information required to comply with the regulation does not duplicate, conflict with, or overlap requirements under regulations of other covered Federal agencies.

- (C) The regulation does not impede competition.

- (D) The benefits to society from the regulation exceed the costs to society from the regulation.

- (E) The regulation is based on adequate and correct information.

- (F) The regulation is worded as simply and clearly as possible.

- (G) The most cost-efficient alternative was chosen in the regulation to achieve the objective of the regulation.

- (H) Information requirements under the regulation can be reduced, particularly for small businesses.

- (I) The regulation is fashioned to maximize net benefits to society.

- (J) The regulation is clear and certain regarding who is required to comply with the regulation.

- (K) The regulation maximizes the utility of market mechanisms to the extent feasible.

- (L) The condition of the economy and of regulated industries is considered.

- (M) The regulation imposes on the private sector the minimum economic burdens necessary to achieve the purposes of the regulation.

- (N) The total effect of the regulation across covered Federal agencies has been examined.

- (O) The regulation is crafted to minimize needless litigation.

- (P) The regulation is necessary to protect the health and safety of the public.

- (Q) The regulation has not resulted in unintended consequences.

- (R) Performance standards or other alternatives were utilized to provide adequate flexibility to the regulated industries.

(c) REQUIREMENT TO SOLICIT COMMENTS FROM THE PUBLIC AND PRIVATE SECTOR.—In reviewing regulations under this section, the head of a covered Federal agency shall solicit comments from the public (including the private sector) regarding the application of the criteria set forth in subsection (b) to the regulation before making determinations under this section and sending a report under section 705(a) regarding a regulation.

SEC. 705. COVERED FEDERAL AGENCY REPORTS.

(a) PRELIMINARY AND FINAL REPORTS ON REVIEWS OF REGULATIONS.—The head of a covered Federal agency shall submit to the President, the Administrator, and the Congress and publish in the Federal Register for

each review of a regulation under section 704—

- (1) a preliminary report that contains—

- (A) specific findings of the covered Federal agency regarding—

- (i) application of the criteria set forth in section 704(b) to the regulation;

- (ii) the need for the function of the regulation; and

- (iii) whether the regulation duplicates functions of another regulation; and

- (B) proposed recommendations on whether—

- (i) the regulation should be modified; and

- (ii) the regulation should be consolidated with another regulation; and

- (2) a final certification report on the findings and recommendations of the covered Federal agency head regarding the cost-effectiveness of the regulation and any appropriate modifications to the regulation that includes—

- (A) a full justification of the recommendation to certify or, if applicable, modify or consolidate the regulation; and

- (B) the factual basis for all recommendations made with respect to that certification or modification under the criteria set forth in section 704(b).

(b) REPORT ON SCHEDULE FOR REVIEWING EXISTING REGULATIONS.—Not later than 100 days after the date of the enactment of this Act, and annually thereafter, the head of each covered Federal agency shall submit to the Administrator and the Congress and publish in the Federal Register a report stating a schedule for reviewing in accordance with this title regulations issued by the covered Federal agency before the date of that submission. The first schedule shall give priority to reviewing during the 3-year period beginning on the date of the enactment of this Act regulations that have an annual effect on the economy of \$100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

SEC. 706. FUNCTIONS OF ADMINISTRATOR.

(a) IN GENERAL.—The Administrator shall—

- (1) review and evaluate each report submitted by the head of a covered Federal agency under section 705(a), regarding—

- (A) the quality of the analysis in the reports;

- (B) whether the covered Federal agency has properly applied the criteria set forth in section 704(b); and

- (C) the consistency of the covered Federal agency action with actions of other covered Federal agencies; and

- (2) transmit to the head of the covered Federal agency the recommendations of the Administrator regarding the report.

(b) GUIDANCE.—The Administrator shall provide guidance to covered Federal agencies on the conduct of reviews and the preparation of reports under this title.

SEC. 707. DESIGNATION OF COVERED FEDERAL AGENCY REGULATORY REVIEW OFFICERS.

(a) IN GENERAL.—The head of each covered Federal agency shall designate an officer of the covered Federal agency as the Regulatory Review Officer of the covered Federal agency.

(b) FUNCTIONS.—The Regulatory Review Officer of a covered Federal agency shall—

- (1) be responsible for the implementation of this title by the covered Federal agency; and

- (2) report directly to the head of the covered Federal agency with respect to that responsibility.