America needs to sustain its position as the world leader in the information technology industry. The critical need for highly-skilled information technology workers demands that we take action now to ensure our continued strength in light of today's global economy. There is no question that we need to educate our children and retrain our current workers to fulfill the demands of an IT workplace. But these are long-term challenges that we are attempting to address in this legislation and through education programs and IT training tax incentives, among others.

We must ease the short-term skilled worker shortage that is a function of a booming industry that has increased employment and contributed to a growing budget surplus. And we need to do so by increasing American companies' access to the best-educated and best-trained minds if we are to maintain our position as the leader of the Information Age. Indeed, many of these workers are trained in American universities. Yet we send them back home to use those skills on behalf of our competitors. Let us keep these minds within America's borders for the benefit of American citizens.

There have been concerns expressed that companies want foreign skilled workers in order to avoid paying American citizens' higher wages to do the same job. However, temporary employees are not paid any less than their counterparts. In fact, I find it difficult to believe that a company would endure the time-consuming process and cost of attracting a foreign worker instead of hiring home-grown talent.

As an original sponsor of the Dreier-Lofgren HI–TECH Act, I am very pleased that we are moving quickly to pass the H–1B legislation approved by the other body. I am a firm believer in the market system. Here, the information technology industry is experiencing a shortage of highly-trained and skilled workers, forcing them to look abroad for such trained professionals. With this legislation, we can be certain that as we shift the focus of our early educational efforts to fulfilling the demands of an Information Economy, that in the meantime, the best and brightest minds will guide America into the new millennium. For these reasons, I urge all of my colleagues to vote in favor of S. 2045.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the Senate bill, S. 2045, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

TRUTH IN REGULATING ACT OF 2000

Mr. RYAN of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1198) 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.

The Clerk read as follows:

S. 1198

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Truth in Regulating Act of 2000''.

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) increase the transparency of important regulatory decisions;

(2) promote effective congressional oversight to ensure that agency rules fulfill statutory requirements in an efficient, effective, and fair manner; and

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

SEC. 3. DEFINITIONS.

In this Act, the term—

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

(2) ''economically significant rule'' means any proposed or final rule, including an interim or direct final rule, that may 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; and

(3) ''independent evaluation'' means a substantive evaluation of the agency's data, methodology, and assumptions used in developing the economically significant rule, including—

(A) an explanation of how any strengths or weaknesses in those data, methodology, and assumptions support or detract from conclusions reached by the agency; and

(B) the implications, if any, of those strengths or weaknesses for the rulemaking.

SEC. 4. PILOT PROJECT FOR REPORT ON RULES.

(a) IN GENERAL.—

(1) REQUEST FOR REVIEW.—When an agency publishes an economically significant rule, a chairman or ranking member of a committee of jurisdiction of either House of Congress may request the Comptroller General of the United States to review the rule.

(2) REPORT.—The Comptroller General shall submit a report on each economically significant rule selected under paragraph (4) to the committees of jurisdiction in each House of Congress not later than 180 calendar days after a committee request is received. The report shall include an independent evaluation of the economically significant rule by the Comptroller General.

(3) INDEPENDENT EVALUATION.—The independent evaluation of the economically significant rule by the Comptroller General under paragraph (2) shall include—

(A) an evaluation of the agency's analysis of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to receive the benefits;

(B) an evaluation of the agency's analysis of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to bear the costs;

(C) an evaluation of the agency's analysis of alternative approaches set forth in the notice of proposed rulemaking and in the rulemaking record, as well as of any regulatory impact analysis, federalism assessment, or other analysis or assessment prepared by the agency or required for the economically significant rule; and

(D) a summary of the results of the evaluation of the Comptroller General and the implications of those results.

(4) PROCEDURES FOR PRIORITIES OF REQUESTS.—The Comptroller General shall have discretion to develop procedures for determining the priority and number of requests for review under paragraph (1) for which a report will be submitted under paragraph (2).

(b) AUTHORITY OF COMPTROLLER GENERAL.—Each agency shall promptly cooperate with the Comptroller General in carrying out this Act. Nothing in this Act is intended to expand or limit the authority of the General Accounting Office.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the General Accounting Office to carry out this Act $5,200,000 for each of fiscal years 2000 through 2002.

SEC. 6. EFFECTIVE DATE AND DURATION OF PILOT PROJECT.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

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

(c) REPORT.—Before the conclusion of the 3-year period, the Comptroller General shall submit to Congress a report reviewing the effectiveness of the pilot project and recommending whether or not Congress should permanently authorize the pilot project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. RYAN) and the gentleman from Ohio (Mr. KUCINICH) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. RYAN).

GENERAL LEAVE

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1198.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

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Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1198 is Truth in Regulating Act of 2000. It is a bipartisan good government bill. It establishes a regulatory analysis function with the General Accounting Office. This function is intended to enhance congressional responsibility for regulatory decisions developed under the laws Congress enacts. It is the product of the leadership over the past few years of the gentlewoman from New York (Mrs. KELLY), the chairwoman of the Subcommittee on Regulatory Reform and Paperwork Reduction, who will be joining us here in a few minutes.

The most basic reason for supporting this bill is constitutional, as Congress needs a Congressional Budget Office to check and balance the executive branch in the budget office, so too does it need an analytic capability to check and balance the executive branch in the regulatory process. GAO is a logical location since it already has some

regulatory review responsibilities under the Congressional Review Act.

Mr. Speaker, article 1, section 1 of the U.S. Constitution vests all legislative powers in the U.S. Congress. While Congress may not delegate its legislative functions, it routinely authorizes executive branch agencies to issue rules that implement laws passed by Congress. Congress has become increasingly concerned about its responsibility to oversee agency rulemaking, especially due to the extensive costs and impacts of Federal Rules.

During the 105th Congress, the House Government Reform Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs chaired by the gentleman from Indiana (Mr. MCINTOSH) held a hearing on the earlier Kelly regulatory analysis bill, H.R. 1704. This bill sought to establish a new, freestanding congressional agency. The subcommittee then marked up and reported her bill, H.R. 1704, and called for the establishment of a new legislative branch, Congressional Office of Regulatory Analysis commonly referred to as CORA, to analyze all major rules and report to Congress on potential costs, benefits, and alternative approaches that could achieve the same regulatory goals at lower costs.

This agency was intended to aid Congress in analyzing Federal regulations. The committee report stated Congress needs the expertise that CORA would provide to carry out its duty under the CRA. Currently Congress does not have the information it needs to carefully evaluate regulations. The only analyses it has to rely on are those provided by the agencies which promulgate the rules.

There is no official, third-party analysis of new regulations. Unfortunately, CORA supporters in the 105th Congress could not overcome the resistance of the defenders of the regulatory status quo. Opponents argued that creating a new congressional agency would be fiscally irresponsible. But by this logic, Congress ought to abolish CBO, as an even more heroic demonstration of fiscal conservatism in action. Of course, most of us recognize that disbanding the CBO, however, penny-wise would be pound foolish.

In this Congress, 106th Congress, the chairman of the Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, the gentleman from Indiana (Chairman MCINTOSH), and myself, as vice chairman, and the gentlewoman from New York (Mrs. KELLY), chairwoman of Subcommittee on Regulatory Reform and Paperwork Reduction, seeking to accommodate the prejudice against a freestanding agency, introduced separate bills, H.R. 3021 and H.R. 3669 respectively, to establish a CORA function within the GAO, which is an existing legislative branch agency capable of performing such functions.

The MacIntosh and Kelly bills were introduced in January and February. On May 9, the Senate passed its own regulatory analysis legislation, S. 1198, which we are now considering by unanimous consent, I might add.

Like the McIntosh and Kelly bills, the Senate legislation would also establish a regulatory analysis function within the GAO.

During the 106th Congress, the Committee on Government Reform did not hold a hearing specifically on one of the CORA bills. However, the subcommittee did hold a June 14 hearing entitled, does Congress delegate too much power to agencies and what should be done about it?

Witnesses testified that Congress needs its own, in-house, regulatory analysis capability so that Members could especially provide timely comment on proposed rules, while there is still an opportunity to influence the costs, the scope, and the content of final agency action.

On June 26, the gentlewoman from New York (Mrs. KELLY) and the gentleman from Indiana (Mr. MCINTOSH) introduced H.R. 4744, which included several needed improvements to S. 1198, along the lines suggested by the witnesses at this June 14th hearing. For example, whereas S. 1198 merely permits GAO to assist Congress in submitting timely comments on proposed regulations during the public comment period. H.R. 4744 would require GAO to provide such assistance. This is a critical improvement, because it is only by commenting on proposed rules during the public comment period that Congress has any real opportunity to influence the costs, the scope and the content of regulation.

In addition, unlike S. 1198, H.R. 4744 would require GAO to review not only the agency's data but also the public's data to assure a more balanced evaluation, analyze not only rules costing $100 million or more, but also rules with a significant impact on small businesses, and examine whether alternatives not considered by the agencies might achieve the same goal in a more cost-effective manner or with greater net benefits.

On June 29, the Committee on Government Reform favorably reported H.R. 4744 with a very thorough discussion of issues in its accompanying report, but on June 24, the gentlewoman from New York (Mrs. KELLY) and the gentleman from Indiana (Chairman MCINTOSH), along with the gentleman from California (Mr. CONDIT) and the gentleman from Texas (Mr. TURNER) introduced H.R. 4924.

This bill included only a few of H.R. 4744's improvements to S. 1198, the inclusion within the scope of GAO's purview of agency rules with a significant impact on small businesses, a directive to GAO to submit its independent evaluation of proposed rules within the public comment period, albeit only when doing so is practicable. House Report 106–772 explains the basis for these improvements.

Mr. Speaker, H.R. 4924 was, in my judgment, inferior to H.R. 4744, which in itself is a watered-down version of the complete reform that is needed to implement Congress' Constitutional responsibility for regulatory oversight, but it was a step in the right direction.

On June 29, the House passed H.R. 4924. Unfortunately, the Senate has not yet considered H.R. 4924. Since we are at the close of the 106th Congress, we now, however, urge the House's favorable consideration of S. 1198.

Mr. Speaker, S. 1198 does not require or expect GAO to conduct any new regulatory impact analyses or cost benefit analyses, or other impact analyses. However, GAO's independent evaluation should lead the agencies to prepare any missing cost/benefit analysis, small business impact, federalism impact, or any other missing analysis. For example, after the MacIntosh subcommittee insisted that the Department of Labor prepare a missing RIA for its ''Baby UI'' rule, Labor finally prepared one.

Here is basically in a nutshell, Mr. Speaker, how S. 1198 works. A chairman or a ranking member of a committee of jurisdiction may request that GAO submit an independent evaluation to the committee of a major proposed or final rule within 180 days. GAO's analysis shall include an evaluation of the potential benefits of the rule, potential costs of the rule, alternative approaches in the rulemaking record, and various impact analyses.

Congress currently has two opportunities to review agency regulatory actions. Under the Administrative Procedures Act, Congress can comment on an agency proposed and interim rules during the public comment period. The APA's fairness provisions require that all members of the public, including Congress, be given an equal opportunity to comment. Late congressional comments cannot be considered by an agency unless all other late comments are equally considered. Agencies can ignore comments filed by Congress after the end of the public comment period, as the Department of Labor did during its Baby UI period in its rule. Therefore, since GAO cannot be given more time than other members of the public to comment, GAO should complete its review of agency regulatory proposals during the public comment period.

Under the CRA, Congress can disapprove an agency final rule after it is promulgated but before it is effective. Unfortunately, Congress has been unable to carry out its responsibility under the CRA because it neither has had all of the information it needs to carefully evaluate agency regulatory proposals nor sufficient staff for this function.

In fact, since the March 1996 enactment of the CRA, there has been no completed congressional resolutions of disapproval. To assume oversight responsibility for Federal regulations, Congress needs to be armed with an independent evaluation, that is why we are doing this.

What is needed is an analysis of legislative history to see if there is a nondelegation problem, such as in the Food and Drug Administration's proposed rule to regulate tobacco products, which was struck by the Supreme Court in FDA v. Brown & Williamson, or backdoor legislating, such as in the Department of Labor's Baby UI rule, which provides paid family leave to small business employees, even though Congress in the Family and Medical Leave Act said no to paid family leave and any coverage of small businesses.

Sometimes the quickest or the only way to find that an agency has ignored a congressional intent or failed to consider less costly or nonregulatory alternatives, is to examine nonagency or public data and analysis. It is for that reason that, under H.R. 4744, GAO would be required to consult the public's data in the course of evaluating agency's rules. Although S.1198 does not require GAO to review public data, it does not forbid it. And I bring this up, because some hope that S.1198 implicitly contains a gag order, forbidding GAO to consult any analyses of data except those supplied by the agency. That is an incorrect reading, however, and the purpose and hope of this bill is to enable Congress to comment knowledgeably about agency rules from the standpoint of a truly independent evaluation of those rules, including the consumption and evaluation of public outside data.

Instructed by GAO's independent evaluations, Congress then will be better equipped to review final agency rules under the CRA. More importantly, Congress will be better equipped to submit timely and knowledgeable comments on proposed rules during the public period. Some CORA foes hope that all GAO analyses of proposed rules will be untimely and, therefore, have no effect on the substance of rules, which I am confident that GAO will want to please, rather than annoy its customers, those of us serving in Congress and will help submit timely regulatory analysis.

Thus, even though this bill is a far cry from the original Kelly idea of a CORA legislation, this legislation, S.1198, will increase the transparency of important regulatory decisions. It will promote effective congressional oversight, and it will increase the accountability of Congress.

The best government is a government that is accountable to the people. For America to have an accountable regulatory system, the peoples elected representatives must participate in and take responsibility for the rules promulgated under the laws Congress passes and by the executive branch agencies, that is why I urge my colleagues to support this meaningful step.

Mr. Speaker, I went through this exhaustive legislative history on this bill because I think it is important that those who are researching and realizing the debate here in Congress know the intent as we pass this bill.

S. 1198, the ''Truth in Regulating Act of 2000,'' is a bi-partisan, good government bill. It establishes a regulatory analysis function within the General Accounting Office (GAO). This function is intended to enhance Congressional responsibility for regulatory decisions developed under the laws Congress enacts. It is the product of the leadership over the last few years of Small Business Subcommittee Chairwoman on Regulatory Reform and Paperwork Reduction, SUE KELLY.

The most basic reason for supporting this bill is Constitutional: Just as Congress needs a Congressional Budget Office (CBO) to check and balance the Executive Branch in the budget process, so it needs an analytic capability to check and balance the Executive Branch in the regulatory process. GAO is a logical location since it already has some regulatory review responsibilities under the Congressional Review Act (CRA).

Article I, Section 1 of the U.S. Constitution vests all legislative powers in the U.S. Congress. While Congress may not delegate its legislative functions, it routinely authorizes Executive Branch agencies to issue rules that implement laws pass by Congress. Congress has become increasingly concerned about its responsibility to oversee agency rulemaking, especially due to the extensive costs and impacts of Federal rules.

During the 105th Congress, the House Government Reform Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, chaired by DAVID MCINTOSH, held a hearing on Mrs. KELLY'S earlier regulatory analysis bill (H.R. 1704), which would sought to establish a new, freestanding Congressional agency. The Subcommittee then marked up and reported her bill (H. Rept. 105–441, Part 2). H.R. 1704 called for the establishment of a new Legislative Branch Congressional Office of Regulatory Analysis (CORA) to analyze all major rules and report to Congress on potential costs, benefits, and alternative approaches that could achieve the same regulatory goals at lower costs. This agency was intended to aid Congress in analyzing Federal regulations. The Committee Report stated, ''Congress needs the expertise that CORA would provide to carry out its duty under the CRA. Currently, Congress does not have the information it needs to carefully evaluate regulations. The only analyses it has to rely on are those provided by the agencies which promulgate the rules. There is no official, third-party analysis of new regulations'' (p. 5).

Unfortunately, CORA supporters in the 105th Congress could not overcome the resistance of the defenders of the regulatory status quo. Opponents argued that creating a new Congressional agency would be fiscally irresponsible. By this logic, Congress ought to abolish CBO, as an even more heroic demonstration of fiscal conservatism in action. Of course, most of us recognize that dismantling CBO, however penny wise, would be pound foolish.

In the 106th Congress, Government Reform Subcommittee Chairman DAVID MCINTOSH and Small Business Subcommittee Chairwoman SUE KELLY, seeking to accommodate the prejudice against a freestanding agency, introduced bills (H.R. 3521 and H.R. 3669, respectively) to establish a CORA function within GAO, which is an existing Legislative Branch agency. McIntosh and Kelly introduced their bills in January and February 2000. On May 9th, the Senate passed its own regulatory analysis legislation, S. 1198, by unanimous consent. Like the McIntosh and Kelly bills, the Senate legislation would also establish a regulatory analysis function within GAO.

During the 106th Congress, the Government Reform Committee did not hold a hearing specifically on one of the CORA bills. However, the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs did hold a June 14th hearing, entitled ''Does Congress Delegate Too Much Power to Agencies and What Should be Done About It?'' Witnesses at the hearing included Senator SAM BROWNBACK, Representative J.D. HAYWORTH, former Administrator of the Office of Management and Budget's (OMB's) Office of Information and Regulatory Affairs Dr. Wendy Lee Gramm, former OMB General Counsel Alan Raul, and New York Law School Professor David Schoenbrod.

Witnesses stressed that Congress needs its own, in-house, regulatory analysis capability so that Members could especially provide timely comment on proposed rules, while there is still an opportunity to influence the cost, scope and content of the final agency action. Witnesses stated that a regulatory analysis function should: (a) take into account Congressional legislative intent; (b) examine other, less costly regulatory and nonregulatory alternative approaches besides those in an agency proposal; and (c) identify additional, non-agency sources of data on benefits, costs, and impacts of an agency's proposal.

Dr. Gramm testified that, ''there's clearly a need for more and better analysis that is independent of the agency writing the regulation . . . In my view, Congress cannot carry out its responsibilities effectively without such analysis.'' She continued by recommending, ''a shadow OIRA . . . to perform independent, high-quality analysis of agency regulations at the proposal stage . . . whether or not the agency has considered the different alternatives, what might be other alternatives . . . I would suggest that all this analysis be done at the proposal stage so that this information can be put into the rulemaking record.''

On June 26th, Chairwoman KELLY and Chairman MCINTOSH introduced H.R. 4744, which included several needed improvements to S. 1198, along the lines suggested by the witnesses at the June 14th hearing. For example, whereas S. 1198 merely permits GAO to assist Congress in submitting timely comments on proposed regulations during the public comment period, H.R. 4744 would require GAO to provide such assistance. This was a critical improvement, because it is only by commenting on proposed rules during the public comment period that Congress has any real opportunity to influence the cost, scope, and content of regulation. In addition, unlike S. 1198, H.R. 4744 would require GAO to review not only the agency's data but also the public's data to assure a more balanced evaluation, analyze not only rules costing $100 million or more but also rules with a significant impact on small businesses, and examine whether alternatives not considered by the agencies might achieve the same goal in a more cost-effective manner or with greater net benefits.

On June 29th, the Government Reform Committee favorably reported H.R. 4744, with a thorough discussion of issues in its accompanying report (H. Rept. 106–772).

On July 24th, Chairmen KELLY and MCINTOSH with Messrs. CONDIT and TURNER introduced H.R. 4924. This bill included only a few of H.R. 4744's improvements to S. 1198: (a) inclusion, within the scope of GAO's purview, of agency rules with a significant impact on small businesses; and (b) a directive to GAO to submit its independent evaluation of proposed rules within the public comment period, albeit only when doing so is ''practicable.'' House Report 106–772 explains the basis for these improvements. H.R. 4924 was, in my judgment, inferior to H.R. 4744, which was itself a watered down version of the complete reform needed to implement Congress' Constitutional responsibility for regulatory oversight. But, it was a step in the right direction.

On July 29th, the House passed H.R. 4924. Unfortunately, the Senate has not yet considered H.R. 4924. Since we are at the close of the 106th Congress, we now urge the House's favorable consideration of S. 1198.

S. 1198 does not require or expect GAO to conduct any new Regulatory Impact Analyses (RIAs), cost-benefit analyses, or other impact analyses. However, GAO's independent evaluation should lead the agencies to prepare any missing cost/benefit, small business impact, federalism impact, or any other missing analysis. For example, after the McIntosh Subcommittee insisted that the Department of Labor prepare a missing RIA for its Birth and Adoption Unemployment Compensation (''Baby UI'') proposed rule, Labor finally prepared one.

Here's how S. 1198 works. The Chairman or Ranking Member of a Committee of jurisdiction may request that GAO submit an independent evaluation to the Committee of a major proposed or final rule within 180 days. GAO's analysis shall include an evaluation of the potential benefits of the rule, the potential costs of the rule, alternative approaches in the rulemaking record, and the various impact analyses.

Congress currently has two opportunities to review agency regulatory actions. Under the Administrative Procedure Act (APA), Congress can comment on agency proposed and interim rules during the public comment period. The APA's fairness provisions require that all members of the public, including Congress, be given an equal opportunity to comment. Late Congressional comments cannot be considered by the agency unless all other late public comments are equally considered. Agencies can ignore comments filed by Congress after the end of the public comment period, as the Department of Labor did after its proposed ''Baby UI'' rule. Therefore, since GAO cannot be given more time than other members of the public to comment, GAO should complete its review of agency regulatory proposals during the public comment period.

Under the CRA, Congress can disapprove an agency final rule after it is promulgated but before it is effective. Unfortunately, Congress has been unable to fully carry out its responsibility under the CRA because it has neither all of the information it needs to carefully evaluate agency regulatory proposals nor sufficient staff for this function. In fact, since the March 1996 enactment of the CRA, there has been no completed Congressional resolutions of disapproval.

In recent years, various statutes (such as the Unfunded Mandates Reform Act of 1995 and the Small Business Regulatory Enforcement Fairness Act of 1996) and executive orders (such as President Reagan's 1981 Executive Order 12291, ''Federal Regulation,'' and President Clinton's 1993 Executive Order 12866, ''Regulatory Planning and Review'') have mandated that Executive Branch agencies conduct extensive regulatory analyses, especially for economically significant rules having a $100 million-or-more effect on the economy or a significant impact on small businesses. Congress, however, does not have the analytical capability to independently and fairly evaluate these analyses.

To assume oversight responsibility for Federal regulations, Congress needs to be armed with an independent evaluation. What is needed is an analysis of legislative history to see if there is a non-delegation problem, such as in Food and Drug Administration's proposed rule to regulate tobacco products, which was struck down by the Supreme Court in *FDA* v. *Brown & Williamson*, or backdoor legislating, such as in the Department of Labor's ''Baby UI'' rule, which provides paid family leave to small business employees, even though Congress in the Family and Medical Leave Act said no to paid family leave and any coverage of small businesses.

Sometimes the quickest (or only) way to find out that an agency has ignored Congressional intent or failed to consider less costly or non-regularly alternatives, is to examine non-agency (i.e., ''public'') data and analyses. It is for that reason that, under H.R. 4744, GAO would be required to consult the public's data in the course of evaluating agency rules. Although S. 1198 does not require GAO to review public data, neither does it forbid or preclude GAO from doing so. I bring this up, because some hope that S. 1198 implicitly contains a gag order, forbidding GAO to consult any analyses or data except those supplied by the agency to be reviewed. This reading of S. 1198 would defeat a key purpose of the bill, which is to enable Congress to comment knowledgeably about agency rules from the standpoint of a truly independent evaluation of those rules.

Instructed by GAO's independent evaluations, Congress will be better equipped to review final agency rules under the CRA. More importantly, Congress will be better equipped to submit timely and knowledgeable comments on proposed rules during the public comment period. Some CORA foes hope that all GAO analyses of proposed rules will be untimely and, therefore, have no effect on the substance of rules. I am confident that GAO will want to please rather than annoy its customers, and will not fail to help Members of Congress submit timely comments on regulatory proposals.

Thus, even though a far cry from the original idea of an independent CORA agency, and although inferior to the Kelly-McIntosh bill reported by the Government Reform Committee, S. 1198 will increase the transparency of important regulatory decision, promote effective Congressional oversight, and increase the accountability of Congress. The best government is a government accountable to the people. For America to have an accountable regulatory system, the people's elected representatives must participate in, and take responsibility for, the rules promulgated under the laws Congress passes. S. 1198 is a meaningful step towards Congress' meeting its regulatory oversight responsibility.

Mr. Speaker, I reserve the balance of my time.

Mr. KUCINICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. RYAN) for taking the time to review the legislative history and also thank the gentlewoman from New York (Mrs. KELLY) for the work that she has done on this issue over the years, and to thank the gentleman from Indiana (Mr. MCINTOSH) for his efforts.

Mr. Speaker, I am pleased to speak in support of S.1198. S.1198 was passed by unanimous consent in the Senate on May 9, 2000 without opposition from the Government Accounting Office, public interest groups or industry representatives. The gentleman from California (Mr. CONDIT) introduced the text of S.1198 in the House as H.R. 4763.

However, the House Committee on Government Reform did not consider H.R. 4763. Instead, it considered its own version of the bill, H.R. 4744. Unfortunately, H.R. 4744 did not enjoy the same support that S.1198 did.

The GAO expressed serious concerns about the scope of the analyses, the timing provided for conducting the reviews and the certainty of funding; also public interest groups expressed concerns and opposed passage. Therefore, the gentleman from California (Mr. WAXMAN) and I offered the text of the Senate bill, S. 1198, which addressed these concerns, as an amendment to H.R. 4744.

Our amendment, unfortunately, was rejected by the committee on a party-line vote. I am pleased to see that we worked all of these things out, and the House now has the opportunity to vote on this proposal. It is nice to be able to come here before the Congress and show how at long last we have an opportunity to work together on something.

Furthermore, on July 25, 2000, the House passed H.R. 4924 under suspension of the rules, that bill was substantially similar to S.1198. Now, S.1198 creates a 3-year pilot project in which, at the request of a committee of jurisdiction, GAO, the General Accounting Office, would analyze economically significant proposed and final rules.

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GAO would evaluate the agency's analyses of costs, benefits, alternatives, regulatory impact, federalism impact, and any other analysis prepared by the agency or required to be prepared by the agency. All of this analysis would be completed within 180 days of the committee's request.

Under this bill, GAO would retain its traditional role as auditor and evaluate only the agencies' work. It would not be required to conduct its own independent analyses. Furthermore, it would not require the agency to conduct any new analysis. It only requires GAO review of agency analyses that are required by separate statute or executive order.

In conclusion, Mr. Speaker, I support S. 1198 because it sheds light on the adequacy and usefulness of the agencies' analyses. Yet, it ensures that the GAO has adequate time and resources to fulfill its new responsibilities, and it preserves GAO's traditional role as auditor.

Mr. Speaker, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. KELLY), the champion of small business, the chairman of the Subcommittee on Regulatory Reform and Paperwork Reduction, and the champion of CORA.

Mrs. KELLY. Mr. Speaker, the Truth in Regulating Act represents the culmination of nearly 4 years of hard work and an effort that will provide Congress with a new resource for reviewing new government regulations before they take effect.

I first introduced this legislation during the 105th Congress, Mr. Speaker, with the goal of giving Congress the tools it needs to oversee the steady stream of new and often costly regulations coming from the Federal government.

Government regulations have an impact on every American. We see an average of close to 4,000 new regulations promulgated every year.

In most cases, regulations speak to a noble purpose, and can often be viewed as a measure of the value that we place in protecting such things as human health, workplace safety, or the environment. Yet, too often the government oversteps its bounds in its attempt to achieve these goals, and we all pay the price as a consequence.

The price of regulations poses a particularly heavy burden on small businesses and manufacturers. They drive our economy forward. They need our help.

Estimates vary on the annual cost of government regulations from a range of $300 billion a year to $700 billion every year. Congress has a special entity, the Congressional Budget Office, or CBO, to help it grapple with our enormous Federal budget. There is growing sentiment that a similar office is needed within the legislative branch to review and analyze the numerous government regulations that are developed and issued every year.

To address this need, in 1997 I first introduced legislation to create the Congressional Office of Regulatory Analysis, or CORA. Today's legislation is the culmination of that effort.

As the vice chairman of the Committee on Small Business and the Chairwoman of the Subcommittee on Regulatory Reform and Paperwork Reduction, and as a small businesswoman myself, I know that small business owners are very familiar with the burdens that Federal regulations place on them.

Some studies have shown that for small employers, the cost of complying with Federal regulations is more than double what it cost their larger counterparts. Mr. Speaker, we do not need any study to reach that conclusion. Common sense says that if a regulation costs a company with a $5 billion revenue stream the same as it does a company with a $5 million revenue stream, the overall impact on the smaller company will be significantly more on a per unit basis.

S. 1198 creates an office within GAO that would focus solely on conducting independent regulatory evaluations of regulations to help determine whether the agencies have complied with the law and executive orders. The fact is, Congress cannot obtain unbiased information from the participants in the rulemaking because each participant, including the Federal agency, has a particular viewpoint and bias.

This legislation will fill the information gap and assist Members in Congress in determining whether action is warranted. The purpose of the bill is to ensure Congress exercises its legislative powers in the most informed manner possible. Ultimately, this will lead to better and more finely tuned legislation, as well as more effective agency regulations.

The office will provide Congress with reliable, non-partisan information, levelling the playing field with the executive branch and improving Congress' ability to understand the burdens that are placed on small businesses and the economy by excessive regulation.

Mr. Speaker, I would like to thank the gentleman from Wisconsin (Mr. RYAN) for his work on this issue, the gentleman from Indiana (Mr. MCINTOSH) for his strong support, as well as the gentleman from Michigan (Mr. BARCIA) and the gentleman from California (Mr. CONDIT) for their longstanding support for this legislation.

I would also like to thank the ranking member of the Committee on Government Reform, the gentleman from California (Mr. WAXMAN), as well as the gentleman from Ohio (Mr. KUCINICH), for their support in moving this legislation forward.

Finally, I would like to thank especially the gentleman from Indiana (Mr. BURTON) for moving this legislation quickly to the floor today, and for his leadership on this issue. I strongly urge my colleagues to join me in supporting this effort.

Mr. KUCINICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to echo the gentlewoman's remarks with respect to the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. WAXMAN).

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also just want to thank everybody who put a lot of hard work into this bill. I think we have a good bipartisan compromise.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Wisconsin (Mr. RYAN) that the House suspend the rules and pass the Senate bill, S. 1198.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

TRANSFERRING CERTAIN LANDS IN UTAH TO THE UNITED STATES

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4721) to provide for all right, title, and interest in and to certain property in Washington County, Utah, to be vested in the United States, as amended.

The Clerk read as follows:

H.R. 4721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION OF CERTAIN PROPERTY IN WASHINGTON COUNTY, UTAH.

(a) IN GENERAL.—Notwithstanding any other provision of law, effective 30 days after the date of the enactment of this Act, all right, title, and interest in and to, and the right to immediate possession of, the 1,516 acres of real property owned by the Environmental Land Technology, Ltd. (ELT) within the Red Cliffs Reserve in Washington County, Utah, and the 34 acres of real property owned by ELT which is adjacent to the land within the Reserve but is landlocked as a result of the creation of the Reserve, is hereby vested in the United States.

(b) COMPENSATION FOR PROPERTY.—Subject to section 309(f) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), the United States shall pay just compensation to the owner of any real property taken pursuant to this section, determined as of the date of the enactment of this Act. An initial payment of $15,000,000 shall be made to the owner of such real property not later than 30 days after the date of taking. The full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States with respect to the taking of such property. Payment shall be in the amount of—

(1) the appraised value of such real property as agreed to by the land owner and the United States, plus interest from the date of the enactment of this Act; or

(2) the valuation of such real property awarded by judgment, plus interest from the date of the enactment of this Act, reasonable costs and expenses of holding such property from February 1990 to the date of final payment, including damages, if any, and reasonable costs and attorneys fees, as determined by the court. Payment shall be made from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code, or from another appropriate Federal Government fund. Interest under this subsection shall be compounded in the same manner as provided for in section 1(b)(2)(B) of the Act of April 17, 1954, (Chapter 153; 16 U.S.C. 429b(b)(2)(B)) except that the reference in that provision to ''the date of the enactment of the Manassas National Battlefield Park Amendments of 1988'' shall be deemed to be a reference to the date of the enactment of this Act.

(c) DETERMINATION BY COURT IN LIEU OF NEGOTIATED SETTLEMENT.—In the absence of a negotiated settlement, or an action by the owner,