

106TH CONGRESS
1ST SESSION

H. R. 1074

To provide Governmentwide accounting of regulatory costs and benefits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 1999

Mr. BLILEY (for himself, Mr. McINTOSH, Mr. CONDIT, Mr. STENHOLM, Mr. SHUSTER, Mr. PICKETT, Mr. GOODE, Mr. HALL of Texas, Mr. JOHN, Mr. TURNER, Mr. ENGLISH, Mr. GOODLATTE, Mr. ARMEY, Mr. DELAY, Mr. CRAMER, Mr. GILLMOR, Mr. OXLEY, Mr. LARGENT, Mr. ARCHER, Mr. MANZULLO, Mr. SANDLIN, Mr. WATTS of Oklahoma, Mr. GEKAS, Mr. BARCIA, Mr. BISHOP, Mr. BOYD, Mr. CLEMENT, Mr. FORD, Mr. SHOWS, Mr. TANNER, and Mr. TRAFICANT) introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To provide Governmentwide accounting of regulatory costs and benefits, 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 “Regulatory Right-to-
5 Know Act of 1999”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are to—

1 (1) promote the public right-to-know about the
2 costs and benefits of Federal regulatory programs
3 and rules;

4 (2) increase Government accountability; and

5 (3) improve the quality of Federal regulatory
6 programs and rules.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) **IN GENERAL.**—Except as otherwise pro-
10 vided in this section, the definitions under section
11 551 of title 5, United States Code, shall apply to
12 this Act.

13 (2) **BENEFIT.**—The term “benefit” means the
14 reasonably identifiable significant favorable effects,
15 quantifiable and nonquantifiable, including social,
16 health, safety, environmental, and economic effects,
17 that are expected to result from implementation of,
18 or compliance with, a rule.

19 (3) **COST.**—The term “cost” means the reason-
20 ably identifiable significant adverse effects, quantifi-
21 able and nonquantifiable, including social, health,
22 safety, environmental, and economic effects, that are
23 expected to result from implementation of, or com-
24 pliance with, a rule.

1 (4) DIRECTOR.—The term “Director” means
2 the Director of the Office of Management and
3 Budget.

4 (5) MAJOR RULE.—The term “major rule”
5 means any rule as that term is defined under section
6 804(2) of title 5, United States Code.

7 (6) PAPERWORK.—The term “paperwork” has
8 the meaning given the term “collection of informa-
9 tion” under section 3502 of title 44, United States
10 Code.

11 (7) PROGRAM COMPONENT.—The term “pro-
12 gram component” means a set of related rules.

13 **SEC. 4. ACCOUNTING STATEMENT.**

14 (a) IN GENERAL.—Not later than February 5, 2001,
15 and on the first Monday in February of each year there-
16 after, the President, acting through the Director of the
17 Office of Management and Budget, shall prepare and sub-
18 mit to the Congress an accounting statement and associ-
19 ated report containing—

20 (1) an estimate of the total annual costs and
21 benefits of Federal regulatory programs, including
22 rules and paperwork—

23 (A) in the aggregate;

24 (B) by agency, agency program, and pro-
25 gram component; and

1 (C) by major rule;

2 (2) an analysis of direct and indirect impacts of
3 Federal rules and paperwork on Federal, State,
4 local, and tribal government, the private sector,
5 small business, wages, consumer prices, productivity,
6 economic growth, and distributional effects;

7 (3) an identification and analysis of overlaps,
8 duplications, and potential inconsistencies among
9 Federal regulatory programs; and

10 (4) recommendations to reform inefficient or in-
11 effective regulatory programs or program compo-
12 nents.

13 (b) NET BENEFITS AND COSTS.—To the extent fea-
14 sible, the Director shall, in estimates contained in any sub-
15 mission under subsection (a)(1), quantify the net benefits
16 or net costs of—

17 (1) each program component covered by the
18 submission;

19 (2) each major rule covered by the submission;
20 and

21 (3) each option for which costs and benefits
22 were included in any regulatory impact analysis
23 issued for any major rule covered by the submission.

24 (c) SUMMARY OF REGULATORY ACTIVITY.—The Di-
25 rector shall include in each submission under subsection

1 (a)(1) a table stating the number of major rules and the
2 number of nonmajor rules issued by each agency in the
3 preceding fiscal year.

4 (d) YEARS COVERED BY ACCOUNTING STATE-
5 MENT.—Each accounting statement submitted under this
6 section shall, at a minimum—

7 (1) cover expected costs and benefits for the fis-
8 cal year for which the statement is submitted and
9 each of the 4 fiscal years following that fiscal year;

10 (2) cover previously expected costs and benefits
11 for each of the 2 fiscal years preceding the fiscal
12 year for which the statement is submitted, or the
13 most recent revision of such costs and benefits; and

14 (3) with respect to each major rule, include the
15 estimates of costs and benefits for each of the fiscal
16 years referred to in paragraphs (1) and (2) that
17 were included in the regulatory impact analysis that
18 was prepared for the major rule.

19 **SEC. 5. NOTICE AND COMMENT.**

20 (a) IN GENERAL.—Before submitting an accounting
21 statement and the associated report to Congress under
22 section 4, and before preparing final guidelines under sec-
23 tion 6, the Director of the Office of Management and
24 Budget shall—

1 (1) provide public notice and an opportunity of
2 at least 60 days for submission of comments on the
3 statement and report or guidelines, respectively; and

4 (2) consult with the Director of the Congres-
5 sional Budget Office on the statement and report or
6 guidelines, respectively.

7 (b) APPENDIX.—After consideration of the com-
8 ments, the Director shall include an appendix to the report
9 or guidelines, respectively, addressing the public comments
10 and peer review comments under section 7.

11 **SEC. 6. GUIDELINES FROM THE OFFICE OF MANAGEMENT**
12 **AND BUDGET.**

13 (a) IN GENERAL.—Not later than 270 days after the
14 date of enactment of this Act, the Director of the Office
15 of Management and Budget, in consultation with the
16 Council of Economic Advisors, shall issue guidelines to
17 agencies to standardize—

18 (1) most plausible measures of costs and bene-
19 fits; and

20 (2) the format of information provided for ac-
21 counting statements.

22 (b) REVIEW.—The Director shall review submissions
23 from the agencies to ensure consistency with the guide-
24 lines under this section.

1 **SEC. 7. PEER REVIEW.**

2 (a) IN GENERAL.—The Director of the Office of
3 Management and Budget shall arrange for 2 or more or-
4 ganizations that have nationally recognized expertise in
5 regulatory analysis and regulatory accounting and that are
6 independent of and external to the Government, to provide
7 peer review of each accounting statement and associated
8 report under section 4 and the guidelines under section
9 6 before the statement, report, or guidelines are final.

10 (b) WRITTEN COMMENTS.—The peer review under
11 this section shall provide written comments to the Director
12 in a timely manner. The Director shall use the peer review
13 comments in preparing the final statements, associated re-
14 ports, and guidelines.

15 (c) FACA.—Peer review under this section shall not
16 be subject to the Federal Advisory Committee Act (5
17 U.S.C. App.).

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