

106TH CONGRESS  
1ST SESSION

# S. 59

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

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## IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

Mr. THOMPSON (for himself, Mr. BREAUX, Mr. LOTT, and Mr. STEVENS) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## 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—

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

- 1           (2) increase Government accountability; and  
2           (3) improve the quality of Federal regulatory  
3 programs and rules.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

- 6           (1) **IN GENERAL.**—Except as otherwise pro-  
7 vided in this section, the definitions under section  
8 551 of title 5, United States Code, shall apply to  
9 this Act.
- 10          (2) **BENEFIT.**—The term “benefit” means the  
11 reasonably identifiable significant favorable effects,  
12 quantifiable and nonquantifiable, including social,  
13 health, safety, environmental, economic, and dis-  
14 tributional effects, that are expected to result from  
15 implementation of, or compliance with, a rule.
- 16          (3) **COST.**—The term “cost” means the reason-  
17 ably identifiable significant adverse effects, quantifi-  
18 able and nonquantifiable, including social, health,  
19 safety, environmental, economic, and distributional  
20 effects, that are expected to result from implementa-  
21 tion of, or compliance with, a rule.
- 22          (4) **DIRECTOR.**—The term “Director” means  
23 the Director of the Office of Management and Budg-  
24 et, acting through the Administrator of the Office of  
25 Information and Regulatory Affairs.

1           (5) MAJOR RULE.—The term “major rule”  
2 means any rule as that term is defined under section  
3 804(2) of title 5, United States Code.

4           (6) PROGRAM ELEMENT.—The term “program  
5 element” means a rule or related set of rules.

6 **SEC. 4. ACCOUNTING STATEMENT.**

7           (a) IN GENERAL.—Not later than February 5, 2001,  
8 and each year thereafter, the President, acting through  
9 the Director of the Office of Management and Budget,  
10 shall prepare and submit to Congress, with the budget of  
11 the United States Government submitted under section  
12 1105 of title 31, United States Code, an accounting state-  
13 ment and associated report containing—

14           (1) an estimate of the total annual costs and  
15 benefits of Federal regulatory programs, including  
16 rules and paperwork—

17                   (A) in the aggregate;

18                   (B) by agency, agency program, and pro-  
19 gram element; and

20                   (C) by major rule;

21           (2) an analysis of direct and indirect impacts of  
22 Federal rules on Federal, State, local, and tribal  
23 government, the private sector, small business,  
24 wages, and economic growth; and

1           (3) recommendations to reform inefficient or in-  
2           effective regulatory programs or program elements.

3           (b) **BENEFITS AND COSTS.**—To the extent feasible,  
4 the Director shall quantify the net benefits or net costs  
5 under subsection (a)(1).

6           (c) **YEARS COVERED BY ACCOUNTING STATE-**  
7 **MENT.**—Each accounting statement submitted under this  
8 Act shall cover, at a minimum, the costs and correspond-  
9 ing benefits for each of the 4 fiscal years preceding the  
10 year in which the report is submitted. The statement may  
11 cover any year preceding such years for the purpose of  
12 revising previous estimates.

13 **SEC. 5. NOTICE AND COMMENT.**

14           (a) **IN GENERAL.**—Before submitting a statement  
15 and report to Congress under section 4, the Director of  
16 the Office of Management and Budget shall—

17           (1) provide public notice and an opportunity to  
18           comment on the statement and report; and

19           (2) consult with the Comptroller General of the  
20           United States on the statement and report.

21           (b) **APPENDIX.**—After consideration of the com-  
22 ments, the Director shall incorporate an appendix to the  
23 report addressing the public comments and peer review  
24 comments under section 7.

1 **SEC. 6. GUIDANCE FROM THE OFFICE OF MANAGEMENT**  
2 **AND BUDGET.**

3 (a) IN GENERAL.—Not later than 180 days after the  
4 date of enactment of this Act, the Director of the Office  
5 of Management and Budget, in consultation with the  
6 Council of Economic Advisors, shall issue guidelines to  
7 agencies to standardize—

8 (1) most plausible measures of costs and bene-  
9 fits; and

10 (2) the format of information provided for ac-  
11 counting statements.

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

15 **SEC. 7. PEER REVIEW.**

16 (a) IN GENERAL.—The Director of the Office of  
17 Management and Budget shall arrange for a nationally  
18 recognized public policy research organization with exper-  
19 tise in regulatory analysis and regulatory accounting to  
20 provide independent and external peer review of the guide-  
21 lines and each accounting statement and associated report  
22 under this Act before such guidelines, statements, and re-  
23 ports are made final.

24 (b) WRITTEN COMMENTS.—The peer review under  
25 this section shall provide written comments to the Director  
26 in a timely manner. The Director shall use the peer review

1 comments in preparing the final guidelines, statements,  
2 and associated reports.

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

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