

TABLE 5.—AGENCY TRANSFER RULES: 10/01/01 TO 9/30/02

[As of date of completion of OMB review]

Office of Management and Budget (OMB)

Regulation for Air Carrier Guaranteed Loan Program.

Dept. of Agriculture (USDA)

2000 Crop Agricultural Disaster and Market Assistance.

2002 Farm Bill Regulations: Sugar Program.

Peanut Quota Buyout Program.

Work Provisions of the PRWORA of 1996 and the Food Stamp Provisions of the Balance Budget Act of 1997.

Dept. of Defense

CHAMPUS/TRICARE: Partial Implementation of Pharmacy Benefits Programs; NDAA for FY 2001.

TRICARE: Sub-Acute Care Program; Uniform Skilled Nursing Benefit; Home Healthcare Benefit; Medicare Payment Methods for Skilled Nursing Facilities.

Dept. of Health and Human Services (HHS)

Contraception and Infertility Research Loan Repayment Program.

Medicare Program: Revisions to Payment Policies and 5-Year Review and Adjustments to the Relative Value Units Under the Physician Fee Schedule for CY 2002.

Medicare Program: Prospective Payment System for Hospital Outpatient Services for CY 2002 and Pro Rata Reduction on Transitional Pass-Through Payments.

Medicaid Program: Modification of the Medicaid Upper Payment Limit for Non-State, Government-Owned or Operated Hospitals.

Medicare Program: Modifications to Managed Care Rules Based on Payment Provisions in BIPA and Technical Corrections.

Medicare Program: Notice of Modification of Beneficiary Assessment Requirements for Skilled Nursing Facilities.

Changes to Hospital Inpatient Prospective Payment Systems and FY 2003 Rate.

Medicaid Managed Care; New Provisions.

Social Security Administration

Revised Medical Criteria for Determination of Disability Musculoskeletal System and Related Criteria.

Department of Justice

Claims Under the Radiation Exposure Compensation Act Amendments of 2000.

September 11 Victim Compensation Fund of 2001.

Dept. of Transportation

Procedures for Compensation of Air Carriers.

Imposition and Collection of Passenger Civil Aviation Security Fees in the Wake of September 11.

Aviation Security Infrastructure Fees.

Veterans Administration

Diseases Specific to Radiation-Exposed Veterans.

Federal Emergency Management Administration

Assistance to Firefighters Grant Program.

Disaster Assistance; Federal Assistance to Individuals and Households.

Small Business Administration

Disaster Loan Program.

Major Rules for Independent Agencies

The congressional review provisions of the Small Business Regulatory Enforcement Fairness Act (SBREFA) require the General Accounting Office (GAO) to submit reports on major rules to the committees of jurisdiction, including rules issued by agencies not subject to Executive Order 12866 (the "independent" agencies). We reviewed the information on the costs and benefits of major rules contained in GAO reports for the period of October 1, 2001 to September 30, 2002. GAO

reported that three independent agencies issued eight major rules during this period. Two agencies did not conduct benefit-cost analyses. One agency considered benefits and costs of the rules. OIRA lists the agencies and the type of information provided by them (as summarized by GAO) in Table 6. The Securities and Exchange Commission consistently considered benefits and costs in their rulemaking processes while the Federal Communications Commission and the Nuclear Regulatory Commission did not prepare benefit-cost analyses.

In comparison to the agencies subject to E.O. 12866, the independent agencies provided relatively little quantitative information on the costs and benefits of the major rules. As Table 6 indicates, three of the eight rules included some discussion of benefits and costs. Three of the eight regulations had monetized cost information; one regulation monetized benefits. It is difficult to discern, however, whether the rigor and the extent of the analyses conducted by the independent agencies are similar to those of the analyses performed by agencies subject to the Executive Order.

TABLE 6.—RULES FOR INDEPENDENT AGENCIES (OCTOBER, 2001–SEPTEMBER, 2002)

Agency	Rule	Information on benefits or costs	Monetized benefits	Monetized Costs
FCC	Broadcast Services; Digital Television	No	No	No.