

Union Calendar No. 5

106TH CONGRESS
1ST SESSION

H. R. 350

[Report No. 106–5]

To improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 1999

Mr. CONDIT (for himself, Mr. PORTMAN, Mr. MORAN of Virginia, Mr. DAVIS of Virginia, Mr. BISHOP, Mr. DREIER, Ms. DANNER, Mr. HASTERT, Mr. STENHOLM, Mr. LINDER, Mr. CRAMER, Mr. ARMEY, Mr. HALL of Texas, Mr. GOSS, Mr. MCINTYRE, Mr. DELAY, Mr. GOODE, Ms. PRYCE of Ohio, Mr. BENTSEN, Mr. WATTS of Oklahoma, Mr. TANNER, Mr. HASTINGS of Washington, Mr. TURNER, Mr. KASICH, Mrs. MYRICK, Mr. SESSIONS, Mr. REYNOLDS, Mr. BONILLA, Mr. BOEHNER, Mr. SUNUNU, Mr. RILEY, Mr. HOBSON, Mr. CHABOT, Mr. NORWOOD, and Mr. HAYES) introduced the following bill; which was referred to the Committee on Rules.

FEBRUARY 2, 1999

Additional sponsors: Mr. BOYD, Mr. GIBBONS, Mr. BERRY, Mr. CHAMBLISS, Mr. SKELTON, Mr. SWEENEY, Mr. TOWNS, Mr. BARTON of Texas, Mr. SHOWS, Mr. COOKSEY, Mr. SISISKY, Mr. WELLER, Mr. BARCIA, Mr. ENGLISH, Mr. KNOLLENBERG, Mr. BARTLETT of Maryland, Mr. STUMP, Mr. METCALF, Mr. NETHERCUTT, Mr. BRYANT, Mr. TALENT, Ms. MCCARTHY of Missouri, Mr. NEY, Mr. ADERHOLT, Mr. HOSTETTLER, and Mr. MORAN of Kansas

FEBRUARY 2, 1999

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on January 19, 1999]

A BILL

To improve congressional deliberation on proposed Federal private sector mandates, 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 “Mandates Information*
5 *Act of 1999”.*

6 **SEC. 2. FINDINGS.**

7 *The Congress finds the following:*

8 (1) *Before acting on proposed private sector*
9 *mandates, the Congress should carefully consider the*
10 *effects on consumers, workers, and small businesses.*

11 (2) *The Congress has often acted without ade-*
12 *quate information concerning the costs of private sec-*
13 *tor mandates, instead focusing only on the benefits.*

14 (3) *The implementation of the Unfunded Man-*
15 *dates Reform Act of 1995 has resulted in increased*
16 *awareness of intergovernmental mandates without im-*
17 *pacting existing environmental, public health, or safe-*
18 *ty laws or regulations.*

1 (4) *The implementation of this Act will enhance*
2 *the awareness of prospective mandates on the private*
3 *sector without adversely affecting existing environ-*
4 *mental, public health, or safety laws or regulations.*

5 (5) *The costs of private sector mandates are often*
6 *borne in part by consumers, in the form of higher*
7 *prices and reduced availability of goods and services.*

8 (6) *The costs of private sector mandates are often*
9 *borne in part by workers, in the form of lower wages,*
10 *reduced benefits, and fewer job opportunities.*

11 (7) *The costs of private sector mandates are often*
12 *borne in part by small businesses, in the form of hir-*
13 *ing disincentives and stunted growth.*

14 **SEC. 3. PURPOSES.**

15 *The purposes of this Act are the following:*

16 (1) *To improve the quality of the Congress' delib-*
17 *eration with respect to proposed mandates on the pri-*
18 *vate sector, by—*

19 (A) *providing the Congress with more com-*
20 *plete information about the effects of such man-*
21 *dates; and*

22 (B) *ensuring that the Congress acts on such*
23 *mandates only after focused deliberation on the*
24 *effects.*

1 (2) *To enhance the ability of the Congress to dis-*
 2 *tinguish between private sector mandates that harm*
 3 *consumers, workers, and small businesses, and man-*
 4 *dates that help those groups.*

5 **SEC. 4. FEDERAL PRIVATE SECTOR MANDATES.**

6 (a) *IN GENERAL.*—

7 (1) *ESTIMATES.*—Section 424(b)(2) of the Con-
 8 *gressional Budget Act of 1974 (2 U.S.C. 658c(b)(2))*
 9 *is amended—*

10 (A) *in subparagraph (A) by striking “and”*
 11 *after the semicolon; and*

12 (B) *by redesignating subparagraph (B) as*
 13 *subparagraph (C), and inserting after subpara-*
 14 *graph (A) the following:*

15 “(B) *when applicable, the impact (includ-*
 16 *ing any disproportionate impact in particular*
 17 *regions or industries) on consumers, workers,*
 18 *and small businesses, of the Federal private sec-*
 19 *tor mandates in the bill or joint resolution,*
 20 *including—*

21 “(i) *an analysis of the effect of the*
 22 *Federal private sector mandates in the bill*
 23 *or joint resolution on consumer prices and*
 24 *on the actual supply of goods and services*
 25 *in consumer markets;*

1 “(ii) an analysis of the effect of the
 2 Federal private sector mandates in the bill
 3 or joint resolution on worker wages, worker
 4 benefits, and employment opportunities;
 5 and

6 “(iii) an analysis of the effect of the
 7 Federal private sector mandates in the bill
 8 or joint resolution on the hiring practices,
 9 expansion, and profitability of businesses
 10 with 100 or fewer employees; and”.

11 (2) *POINT OF ORDER.*—Section 424(b)(3) of the
 12 Congressional Budget Act of 1974 (2 U.S.C.
 13 658c(b)(3)) is amended by adding after the period the
 14 following: “If such determination is made by the Di-
 15 rector, a point of order under this part shall lie only
 16 under section 425(a)(1) and as if the requirement of
 17 section 425(a)(1) had not been met.”.

18 (3) *THRESHOLD AMOUNTS.*—Section 425(a) of
 19 the Congressional Budget Act of 1974 (2 U.S.C.
 20 658d(a)) is amended by—

21 (A) striking “and” after the semicolon at
 22 the end of paragraph (1) and redesignating
 23 paragraph (2) as paragraph (3); and

24 (B) inserting after paragraph (1) the fol-
 25 lowing new paragraph:

1 “(2) any bill, joint resolution, amendment, mo-
 2 tion, or conference report that would increase the di-
 3 rect costs of Federal private sector mandates (exclud-
 4 ing any direct costs that are attributable to revenue
 5 resulting from tax or tariff provisions of any such
 6 measure if it does not raise net tax and tariff reve-
 7 nues over the 5-fiscal-year period beginning with the
 8 first fiscal year such measure affects such revenues)
 9 by an amount that causes the thresholds specified in
 10 section 424(b)(1) to be exceeded; and”.

11 (4) APPLICATION RELATING TO APPROPRIATIONS
 12 COMMITTEES.—(A) Section 425(c)(1)(A) of the Con-
 13 gressional Budget Act of 1974 (2 U.S.C.
 14 658d(c)(1)(A)) is amended by striking “except”.

15 (B) Section 425(c)(1)(B) of the Congressional
 16 Budget Act of 1974 (2 U.S.C. 658d(c)(1)(B)) is
 17 amended—

18 (i) in clause (i) by striking “intergovern-
 19 mental”;

20 (ii) in clause (ii) by striking “intergovern-
 21 mental”;

22 (iii) in clause (iii) by striking “intergovern-
 23 mental”; and

24 (iv) in clause (iv) by striking “intergovern-
 25 mental”.

1 (5) *THRESHOLD BURDEN.*—(A) *Section*
 2 *426(b)(2) of the Congressional Budget Act of 1974 (2*
 3 *U.S.C. 658e(b)(2)) is amended by inserting “legisla-*
 4 *tive” before “language”.*

5 (B) *Section 426(b)(2) of the Congressional Budg-*
 6 *et Act of 1974 (2 U.S.C. 658e(b)(2)) is amended by*
 7 *striking “section 425 or subsection (a) of this section”*
 8 *and inserting “part B”.*

9 (6) *QUESTION OF CONSIDERATION.*—(A) *Section*
 10 *426(b)(3) of the Congressional Budget Act of 1974 (2*
 11 *U.S.C. 658e(b)(3)) is amended by striking “section*
 12 *425 or subsection (a) of this section” and inserting*
 13 *“part B”.*

14 (B) *Section 426(b)(3) of the Congressional Budg-*
 15 *et Act of 1974 (2 U.S.C. 658e(b)(3)) is amended by*
 16 *inserting “, except that not more than one point of*
 17 *order shall be recognized by the Chair under section*
 18 *425(a)(1) or (a)(2)” before the period.*

19 (7) *APPLICATION RELATING TO CONGRESSIONAL*
 20 *BUDGET OFFICE.*—*Section 427 of the Congressional*
 21 *Budget Act of 1974 (2 U.S.C. 658f) is amended by*
 22 *striking “intergovernmental”.*

23 (b) *RULES OF THE HOUSE OF REPRESENTATIVES.*—
 24 *Clause 11(b) of rule XVIII of the Rules of the House of Rep-*
 25 *resentatives is amended by striking “intergovernmental”*

1 *and by striking “section 424(a)(1)” and inserting “section*
 2 *424 (a)(1) or (b)(1)”.*

3 (c) *EXERCISE OF RULEMAKING POWERS.—This sec-*
 4 *tion is enacted by Congress—*

5 (1) *as an exercise of the rulemaking power of the*
 6 *Senate and the House of Representatives, respectively,*
 7 *and as such it shall be considered as part of the rules*
 8 *of such House, respectively, and shall supersede other*
 9 *rules only to the extent that they are inconsistent*
 10 *therewith; and*

11 (2) *with full recognition of the constitutional*
 12 *right of either House to change such rules (so far as*
 13 *relating to such House) at any time, in the same*
 14 *manner, and to the same extent as in the case of any*
 15 *other rule of each House.*

16 **SEC. 5. FEDERAL INTERGOVERNMENTAL MANDATE.**

17 *Section 421(5)(B) of the Congressional Budget Act of*
 18 *1974 (2 U.S.C. 658(5)(B)) is amended—*

19 (1) *by striking “the provision” after “if”;*

20 (2) *in clause (i)(I) by inserting “the provision”*
 21 *before “would”;*

22 (3) *in clause (i)(II) by inserting “the provision”*
 23 *before “would”; and*

24 (4) *in clause (ii)—*

1 (A) by inserting “that legislation, statute,
2 or regulation does not provide” before “the
3 State”; and

4 (B) by striking “lack” and inserting “new
5 or expanded”.

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