

Calendar No. 25

106TH CONGRESS
1ST SESSION

H. R. 350

IN THE SENATE OF THE UNITED STATES

FEBRUARY 23, 1999

Received

MARCH 2, 1999

Read the first time

MARCH 3, 1999

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AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Mandates Information
3 Act of 1999”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

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

9 (2) The Congress has often acted without ade-
10 quate information concerning the costs of private
11 sector mandates, instead focusing only on the bene-
12 fits.

13 (3) The implementation of the Unfunded Man-
14 dates Reform Act of 1995 has resulted in increased
15 awareness of intergovernmental mandates without
16 impacting existing environmental, public health, or
17 safety laws or regulations.

18 (4) The implementation of this Act will enhance
19 the awareness of prospective mandates on the pri-
20 vate sector without adversely affecting existing envi-
21 ronmental, public health, or safety laws or regula-
22 tions.

23 (5) The costs of private sector mandates are
24 often borne in part by consumers, in the form of
25 higher prices and reduced availability of goods and
26 services.

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

4 (7) The costs of private sector mandates are
5 often borne in part by small businesses, in the form
6 of hiring disincentives and stunted growth.

7 **SEC. 3. PURPOSES.**

8 The purposes of this Act are the following:

9 (1) To improve the quality of the Congress' de-
10 liberation with respect to proposed mandates on the
11 private sector, by—

12 (A) providing the Congress with more com-
13 plete information about the effects of such man-
14 dates; and

15 (B) ensuring that the Congress acts on
16 such mandates only after focused deliberation
17 on the effects.

18 (2) To enhance the ability of the Congress to
19 distinguish between private sector mandates that
20 harm consumers, workers, and small businesses, and
21 mandates that help those groups.

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

23 (a) IN GENERAL.—

1 (1) ESTIMATES.—Section 424(b)(2) of the Con-
2 gressional Budget Act of 1974 (2 U.S.C.
3 658c(b)(2)) is amended—

4 (A) in subparagraph (A) by striking “and”
5 after the semicolon; and

6 (B) by redesignating subparagraph (B) as
7 subparagraph (C), and inserting after subpara-
8 graph (A) the following:

9 “(B) when applicable, the impact (includ-
10 ing any disproportionate impact in particular
11 regions or industries) on consumers, workers,
12 and small businesses, of the Federal private
13 sector mandates in the bill or joint resolution,
14 including—

15 “(i) an analysis of the effect of the
16 Federal private sector mandates in the bill
17 or joint resolution on consumer prices and
18 on the actual supply of goods and services
19 in consumer markets;

20 “(ii) an analysis of the effect of the
21 Federal private sector mandates in the bill
22 or joint resolution on worker wages, work-
23 er benefits, and employment opportunities;
24 and

1 “(iii) an analysis of the effect of the
2 Federal private sector mandates in the bill
3 or joint resolution on the hiring practices,
4 expansion, and profitability of businesses
5 with 100 or fewer employees; and”.

6 (2) POINT OF ORDER.—Section 424(b)(3) of
7 the Congressional Budget Act of 1974 (2 U.S.C.
8 658c(b)(3)) is amended by adding after the period
9 the following: “If such determination is made by the
10 Director, a point of order under this part shall lie
11 only under section 425(a)(1) and as if the require-
12 ment of section 425(a)(1) had not been met.”.

13 (3) THRESHOLD AMOUNTS.—Section 425(a) of
14 the Congressional Budget Act of 1974 (2 U.S.C.
15 658d(a)) is amended by—

16 (A) striking “and” after the semicolon at
17 the end of paragraph (1) and redesignating
18 paragraph (2) as paragraph (3); and

19 (B) inserting after paragraph (1) the fol-
20 lowing new paragraph:

21 “(2) any bill, joint resolution, amendment, mo-
22 tion, or conference report that would increase the di-
23 rect costs of Federal private sector mandates (ex-
24 cluding any direct costs that are attributable to reve-
25 nue resulting from tax or tariff provisions of any

such measure if it does not raise net tax and tariff revenues over the 5-fiscal-year period beginning with the first fiscal year such measure affects such revenues) by an amount that causes the thresholds specified in section 424(b)(1) to be exceeded; and”.

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

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

(i) in clause (i) by striking “intergovernmental”;

(ii) in clause (ii) by striking “intergovernmental”;

(iii) in clause (iii) by striking “intergovernmental”; and

(iv) in clause (iv) by striking “intergovernmental”.

(5) THRESHOLD BURDEN.—(A) Section 426(b)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 658e(b)(2)) is amended by inserting “legislative” before “language”.

1 (B) Section 426(b)(2) of the Congressional
 2 Budget Act of 1974 (2 U.S.C. 658e(b)(2)) is amend-
 3 ed by striking “section 425 or subsection (a) of this
 4 section” and inserting “part B”.

5 (6) QUESTION OF CONSIDERATION.—(A) Sec-
 6 tion 426(b)(3) of the Congressional Budget Act of
 7 1974 (2 U.S.C. 658e(b)(3)) is amended by striking
 8 “section 425 or subsection (a) of this section” and
 9 inserting “part B”.

10 (B) Section 426(b)(3) of the Congressional
 11 Budget Act of 1974 (2 U.S.C. 658e(b)(3)) is amend-
 12 ed by inserting “, except that not more than one
 13 point of order shall be recognized by the Chair under
 14 section 425(a)(1) or (a)(2)” before the period.

15 (7) APPLICATION RELATING TO CONGRES-
 16 SIONAL BUDGET OFFICE.—Section 427 of the Con-
 17 gressional Budget Act of 1974 (2 U.S.C. 658f) is
 18 amended by striking “intergovernmental”.

19 (b) RULES OF THE HOUSE OF REPRESENTATIVES.—
 20 Clause 11(b) of rule XVIII of the Rules of the House of
 21 Representatives is amended by striking “intergovern-
 22 mental” and by striking “section 424(a)(1)” and inserting
 23 “section 424 (a)(1) or (b)(1)”.

24 (c) EXERCISE OF RULEMAKING POWERS.—This sec-
 25 tion is enacted by Congress—

1 (1) as an exercise of the rulemaking power of
 2 the Senate and the House of Representatives, re-
 3 spectively, and as such it shall be considered as part
 4 of the rules of such House, respectively, and shall
 5 supersede other rules only to the extent that they
 6 are inconsistent therewith; and

7 (2) with full recognition of the constitutional
 8 right of either House to change such rules (so far
 9 as relating to such House) at any time, in the same
 10 manner, and to the same extent as in the case of
 11 any other rule of each House.

12 **SEC. 5. FEDERAL INTERGOVERNMENTAL MANDATE.**

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

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

16 (2) in clause (i)(I) by inserting “the provision”
 17 before “would”;

18 (3) in clause (i)(II) by inserting “the provision”
 19 before “would”; and

20 (4) in clause (ii)—

21 (A) by inserting “that legislation, statute,
 22 or regulation does not provide” before “the
 23 State”; and

1 (B) by striking “lack” and inserting “new
2 or expanded”.

Passed the House of Representatives February 10,
1999.

Attest:

JEFF TRANDAHL,
Clerk.

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