

Union Calendar No. 293

105TH CONGRESS
2^D SESSION

H. R. 3534

[Report No. 105-515]

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 1998

Mr. CONDIT (for himself, Mr. PORTMAN, Mr. GOODE, Mr. SOLOMON, Mr. DREIER, Mr. BISHOP, Mr. ARMEY, Mr. STENHOLM, Mr. GOSS, Mr. MCINTYRE, Mr. LINDER, Mr. JOHN, Ms. PRYCE of Ohio, Mr. CRAMER, Mr. MCINNIS, Mr. HASTINGS of Washington, Mrs. MYRICK, Mr. BOEHNER, Mr. DOOLITTLE, Mr. SESSIONS, Mr. CHABOT, and Mr. TURNER) introduced the following bill; which was referred to the Committee on Rules

MAY 7, 1998

Additional sponsors: Mr. GINGRICH, Mr. DELAY, Mr. WAMP, Ms. SANCHEZ, Mr. CALVERT, Mr. TAYLOR of Mississippi, Mr. HERGER, Mr. BERRY, Mr. LIVINGSTON, Mr. SISISKY, Mr. STUMP, Mr. POMBO, Mr. CUNNINGHAM, Mr. CAMPBELL, Mr. STEARNS, Mr. COLLINS, Mr. RYUN, Mrs. NORTHUP, Mr. TALENT, Mrs. EMERSON, Mr. WICKER, Mr. PICKERING, Mr. BALLENGER, Mr. SMITH of New Jersey, Mr. SKEEN, Mr. GIBBONS, Mrs. KELLY, Mr. FOX of Pennsylvania, Mr. NETHERCUTT, Mr. PORTER, Ms. GRANGER, Mr. ENSIGN, Mr. MORAN of Kansas, Mr. BOB SCHAFFER, Mr. GALLEGLY, Mr. LATOURETTE, Mr. DEAL of Georgia, Mr. PAPPAS, Mr. PAUL, Mr. BARRETT of Nebraska, Ms. DANNER, Mr. BOYD, Mr. SNOWBARGER, Mr. HALL of Texas, Mr. WATTS of Oklahoma, Mr. PETERSON of Minnesota, Mr. BAESLER, Mr. TANNER, Mr. KASICH, Mr. DUNCAN, Mr. HOEKSTRA, Mr. BACHUS, Mr. RILEY, Mr. ADERHOLT, Mr. HOBSON, Mr. MCHUGH, Mr. BLUNT, Mr. SENSENBRENNER, Mr. GILLMOR, Mr. BARR of Georgia, Mr. MCINTOSH, Mr. LEWIS of Kentucky, Mr. HAYWORTH, Mr. THORNBERRY, Mr. MANZULLO, Mr. LAHOOD, Mr. ENGLISH of Pennsylvania, Mr. ROGAN, Mr. SUNUNU, and Mr. BEREUTER

MAY 7, 1998

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

[Insert the part printed in italic]

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 1998”.

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
13 sector mandates, instead focusing only on the bene-
14 fits.

15 (3) The costs of private sector mandates are
16 often borne in part by consumers, in the form of
17 higher prices and reduced availability of goods and
18 services.

1 (4) 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 (5) 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 “‘If such determination is made by the Director, a
10 point of order under this part shall lie only under
11 section 425(a)(1) and as if the requirement of sec-
12 tion 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*

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

6 (4) APPLICATION RELATING TO APPROPRIA-
7 TIONS COMMITTEES.—(A) Section 425(c)(1)(A) of
8 the Congressional Budget Act of 1974 (2 U.S.C.
9 658d(c)(1)(A)) is amended by striking “except”.

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

13 (i) in clause (i) by striking “intergovern-
14 mental”;

15 (ii) in clause (ii) by striking “intergovern-
16 mental”;

17 (iii) in clause (iii) by striking “intergovern-
18 mental”; and

19 (iv) in clause (iv) by striking “intergovern-
20 mental”.

21 (5) THRESHOLD BURDEN.—(A) Section
22 426(b)(2) of the Congressional Budget Act of 1974
23 (2 U.S.C. 658e(b)(2)) is amended by inserting “leg-
24 islative” 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 5(c) of rule XXIII 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.

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