

Calendar No. 696

105TH CONGRESS
2^D SESSION

S. 389

[Report No. 105-299]

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

IN THE SENATE OF THE UNITED STATES

MARCH 3, 1997

Mr. ABRAHAM (for himself, Mr. BOND, Mr. NICKLES, Mr. HUTCHINSON, Mr. HELMS, Mr. SESSIONS, Mr. COCHRAN, Mr. MCCAIN, Mr. ALLARD, Mr. BROWNBACK, Mr. CRAIG, Mr. HAGEL, Mr. LOTT, Mr. COVERDELL, Mr. KYL, Mr. INHOFE, Mr. THOMAS, Mr. GORTON, Mr. ENZI, Mr. GRAMS, Mr. MACK, Mr. FRIST, Mr. FAIRCLOTH, Ms. COLLINS, Mr. DORGAN, Mr. D'AMATO, Mr. COATS, Mr. BURNS, Ms. SNOWE, Mr. DOMENICI, Mr. SMITH of Oregon, Mr. SHELBY, and Mrs. HUTCHISON) introduced the following bill; which was read twice and referred jointly pursuant to the order of August 4, 1977, to the Committees on the Budget and Governmental Affairs, with instructions that if one committee reports, the other committee have thirty days to report or be discharged

SEPTEMBER 2 (legislative day, AUGUST 31), 1998

Reported by Mr. THOMPSON, with amendments

[Omit the part struck through and insert the part printed in *italic*]

SEPTEMBER 2 (legislative day, AUGUST 31), 1998

Referred to the Committee on the Budget for not to exceed 30 calendar days

OCTOBER 2, 1998

Committee discharged and placed on the calendar

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 ~~1997~~ 1998”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) before acting on proposed private sector
9 mandates, Congress should carefully consider their
10 effects on consumers, workers, and small businesses;

11 (2) Congress has often acted without adequate
12 information concerning the costs of private sector
13 mandates, instead focusing only on their benefits;

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

18 (4) the costs of private sector mandates are
19 often borne in part by workers, in the form of lower
20 wages, reduced benefits, and fewer job opportunities;
21 and

1 (5) the costs of private sector mandates are
 2 often borne in part by small businesses, in the form
 3 of hiring disincentives and stunted growth.

4 **SEC. 3. PURPOSES.**

5 The purposes of this Act are—

6 (1) to improve the quality of Congress’s delib-
 7 eration with respect to proposed mandates on the
 8 private sector, by—

9 (A) providing Congress with more complete
 10 information about the effects of such mandates;
 11 and

12 (B) ensuring that Congress acts on such
 13 mandates only after focused deliberation on
 14 their effects; and

15 (2) to enhance the ability of Congress to distin-
 16 guish between private sector mandates that harm
 17 consumers, workers, and small businesses, and man-
 18 dates that help those groups.

19 **TITLE I—DELIBERATION ON**
 20 **PROPOSED FEDERAL PRI-**
 21 **VATE SECTOR MANDATES**

22 ~~SEC. 101.~~ **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) the impact (including any dispropor-
10 tionate impact in particular regions or indus-
11 tries) on consumers, workers, and small busi-
12 nesses, of the Federal private sector mandates
13 in the bill or joint resolution, including—

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

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

24 “(iii) an analysis of the effect of the
25 Federal private sector mandates in the bill

1 or joint resolution on the hiring practices,
 2 expansion, and profitability of businesses
 3 with 100 or fewer employees; and”.

4 (1) *ESTIMATES.*—Section 424(b) of the Congres-
 5 sional Budget Act of 1974 (2 U.S.C. 658c(b)) is
 6 amended by adding at the end the following:

7 “(4) *ESTIMATE OF INDIRECT IMPACTS.*—

8 “(A) *IN GENERAL.*—In preparing estimates
 9 under paragraph (1), the Director shall also esti-
 10 mate, if feasible, the impact (including any dis-
 11 proportionate impact in particular regions or
 12 industries) on consumers, workers, and small
 13 businesses, of the Federal private sector mandates
 14 in the bill or joint resolution, 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, worker
 23 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.

6 “(B) *ESTIMATE NOT CONSIDERED IN DE-*
7 *TERMINATION.*—The estimate prepared under
8 this paragraph shall not be considered in deter-
9 mining whether the direct costs of all Federal
10 private sector mandates in the bill or joint reso-
11 lution will exceed the threshold specified in para-
12 graph (1).”.

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

20 (3) ~~THRESHOLD AMOUNTS.~~—Section ~~425(a)(2)~~
21 of the ~~Congressional Budget Act of 1974 (2 U.S.C.~~
22 ~~658d(a)(2))~~ is amended—

23 (A) by striking “Federal intergovernmental
24 mandates by an amount that causes the thresh-
25 olds specified in section 424(a)(1)” and insert-

1 ing “Federal mandates by an amount that
2 causes the thresholds specified in section 424
3 (a)(1) or (b)(1)”; and

4 (B) by inserting “, in the case of Federal
5 intergovernmental mandates exceeding the
6 thresholds specified in section 424(a)(1)”
7 after “unless”.

8 (3) *THRESHOLD AMOUNTS.*—Section 425(a)(2) of
9 the Congressional Budget Act of 1974 (2 U.S.C.
10 658d(a)(2)) is amended by striking “Federal intergov-
11 ernmental mandates by an amount that causes the
12 thresholds specified in section 424(a)(1)” and insert-
13 ing “Federal mandates by an amount that causes the
14 thresholds specified in section 424 (a)(1) or (b)(1)”.

15 (4) *APPLICATION RELATING TO APPROPRIA-*
16 *TIONS COMMITTEES.*—Section 425(c)(1)(B) of the
17 Congressional Budget Act of 1974 (2 U.S.C.
18 658d(c)(1)(B)) is amended—

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

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

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

1 (D) in clause (iv) by striking “intergovern-
2 mental”.

3 ~~(6)~~ (5) APPLICATION RELATING TO CONGRES-
4 SIONAL BUDGET OFFICE.—Section 427 of the Con-
5 gressional Budget Act of 1974 (2 U.S.C. 658f) is
6 amended by striking “intergovernmental”.

7 (b) EXERCISE OF RULEMAKING POWERS.—This sec-
8 tion is enacted by Congress—

9 (1) as an exercise of the rulemaking power of
10 the Senate and the House of Representatives, re-
11 spectively, and as such they shall be considered as
12 part of the rules of such House, respectively, and
13 such rules shall supersede other rules only to the ex-
14 tent that they are inconsistent therewith; and

15 (2) with full recognition of the constitutional
16 right of either House to change such rules (so far
17 as relating to such House) at any time, in the same
18 manner, and to the same extent as in the case of
19 any other rule of each House.

20 **SEC. 5. FEDERAL INTERGOVERNMENTAL MANDATE.**

21 *Section 421(5)(B) of the Congressional Budget and*
22 *Impoundment Control Act of 1974 (2 U.S.C. 658(5)(B)) is*
23 *amended—*

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

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

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

5 (4) *in clause (ii)—*

6 (A) *by inserting “that legislation, statute,*
7 *or regulation does not provide” before “the*
8 *State”; and*

9 (B) *by striking “lack” and inserting “new*
10 *or expanded”.*

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