

105TH CONGRESS  
1ST SESSION

# S. 389

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, and Mr. SESSIONS) introduced the following bill; which was read twice and referred jointly pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, 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

---

## 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”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

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

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

7           (3) the costs of private sector mandates are  
8 often borne in part by consumers, in the form of  
9 higher prices and reduced availability of goods and  
10 services;

11           (4) the costs of private sector mandates are  
12 often borne in part by workers, in the form of lower  
13 wages, reduced benefits, and fewer job opportunities;  
14 and

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

18 **SEC. 3. PURPOSES.**

19           The purposes of this Act are—

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

23                   (A) providing Congress with more complete  
24 information about the effects of such mandates;  
25 and

1 (B) ensuring that Congress acts on such  
2 mandates only after focused deliberation on  
3 their effects; and

4 (2) to enhance the ability of Congress to distin-  
5 guish between private sector mandates that harm  
6 consumers, workers, and small businesses, and man-  
7 dates that help those groups.

8 **TITLE I—DELIBERATION ON**  
9 **PROPOSED FEDERAL PRI-**  
10 **VATE SECTOR MANDATES**

11 **SEC. 101. FEDERAL PRIVATE SECTOR MANDATES.**

12 (a) IN GENERAL.—

13 (1) ESTIMATES.—Section 424(b)(2) of the Con-  
14 gressional Budget Act of 1974 (2 U.S.C.  
15 658c(b)(2)) is amended—

16 (A) in subparagraph (A) by striking “and”  
17 after the semicolon; and

18 (B) by redesignating subparagraph (B) as  
19 subparagraph (C), and inserting after subpara-  
20 graph (A) the following:

21 “(B) the impact (including any dispro-  
22 portionate impact in particular regions or indus-  
23 tries) on consumers, workers, and small busi-  
24 nesses, of the Federal private sector mandates  
25 in the bill or joint resolution, including—

1           “(i) an analysis of the effect of the  
2           Federal private sector mandates in the bill  
3           or joint resolution on consumer prices and  
4           on the actual supply of goods and services  
5           in consumer markets;

6           “(ii) an analysis of the effect of the  
7           Federal private sector mandates in the bill  
8           or joint resolution on worker wages, work-  
9           er benefits, and employment opportunities;  
10          and

11          “(iii) an analysis of the effect of the  
12          Federal private sector mandates in the bill  
13          or joint resolution on the hiring practices,  
14          expansion, and profitability of businesses  
15          with 100 or fewer employees; and”.

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

23          (3) THRESHOLD AMOUNTS.—Section 425(a)(2)  
24          of the Congressional Budget Act of 1974 (2 U.S.C.  
25          658d(a)(2)) is amended—

1 (A) by striking “Federal intergovernmental  
2 mandates by an amount that causes the thresh-  
3 olds specified in section 424(a)(1)” and insert-  
4 ing “Federal mandates by an amount that  
5 causes the thresholds specified in section 424  
6 (a)(1) or (b)(1)”; and

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

11 (4) APPLICATION RELATING TO APPROPRIA-  
12 TIONS COMMITTEES.—Section 425(c)(1)(B) of the  
13 Congressional Budget Act of 1974 (2 U.S.C.  
14 658d(c)(1)(B)) is amended—

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

17 (B) in clause (ii) by striking “intergovern-  
18 mental”;

19 (C) in clause (iii) by striking “intergovern-  
20 mental”; and

21 (D) in clause (iv) by striking “intergovern-  
22 mental”.

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

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

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

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

○