

103D CONGRESS
1ST SESSION

H. R. 3504

To provide Federal payments for Federal mandates imposed upon State
and local governments.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 10, 1993

Mr. TORKILDSEN (for himself, Mr. STUMP, Mr. CONDIT, Mr. HEFLEY, Mr. CASTLE, Mr. EWING, Mr. SHAYS, Mr. BAKER of Louisiana, Mr. LIVINGSTON, Mr. ZELIFF, Mrs. FOWLER, Mr. MCKEON, Mr. KIM, and Mr. BLUTE) introduced the following bill; which was referred jointly to the Committees on Government Operations and Rules

A BILL

To provide Federal payments for Federal mandates imposed
upon State and local governments.

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 “Federal Mandates Re-
5 lief Act of 1993”.

6 **SEC. 2. DEFINITIONS.**

7 For the purposes of this Act—

8 (1) FEDERAL AGENCY.—The term “Federal
9 agency” has the meaning given the term “executive

1 agency” in section 6501(3) of title 31, United States
2 Code.

3 (2) FEDERAL MANDATE.—The term “Federal
4 mandate” means a Federal requirement covered by
5 this Act.

6 (3) LOCAL GOVERNMENT.—The term “local
7 government” means—

8 (A) a county, city, town, village, or other
9 general purpose political subdivision of a State;

10 (B) a school district; and

11 (C) a unit of local government established
12 under State law for a particular public purpose.

13 (4) MANDATE SCHEDULE.—The term “mandate
14 schedule” means a schedule prepared by a Federal
15 agency of the costs of complying with each Federal
16 mandate administered by the agency as required by
17 section 5.

18 **SEC. 3. SUFFICIENT FEDERAL FUNDING REQUIREMENT.**

19 Notwithstanding any other provision of law, no State
20 or local government shall be obligated to take any action
21 required by Federal law, unless all expenses associated
22 with such obligation are fully funded by the Federal Gov-
23 ernment pursuant to the provisions of this Act.

1 **SEC. 4. PAY-OR-EXCUSE MECHANISM.**

2 A State or local government shall be excused from
3 complying with a Federal mandate, unless—

4 (1) it receives an appropriation of Federal
5 funds to pay for the costs of complying with the
6 Federal mandate—

7 (A) in the amount specified in the perti-
8 nent mandate schedule described in section 5;
9 and

10 (B) in the amount of any additional costs
11 specified in section 6; and

12 (2) the pertinent mandate schedule (including
13 the annual update) has been published as required
14 by this Act.

15 **SEC. 5. MANDATE SCHEDULES.**

16 (a) AGENCY SCHEDULES.—

17 (1) IN GENERAL.—Each Federal agency that
18 has authority to administer a Federal mandate shall
19 publish a schedule that lists the costs of complying
20 with each such mandate.

21 (2) CONTENT.—Each schedule shall include—

22 (A) the annual cost of complying with each
23 Federal mandate for which payments would be
24 made within one fiscal year; and

25 (B) the total cost of complying with each
26 Federal mandate that necessitates a State or

1 local government to undertake a capital expend-
2 iture for which payments would be made over
3 more than 1 fiscal year.

4 (3) PUBLICATION.—Schedules shall be pub-
5 lished through notice and comment rulemaking, and
6 shall be updated annually. For each fiscal year,
7 schedules shall be published by March 1 of the cal-
8 endar year in which the fiscal year begins.

9 (b) STATUTORY MANDATE.—

10 (1) IN GENERAL.—It shall not be in order in
11 the House of Representatives or the Senate to con-
12 sider any bill, joint resolution, conference report, or
13 amendment that establishes a statutory mandate
14 schedule.

15 (2) POINT OF ORDER.—In the Senate, this sub-
16 section may be waived or suspended only by an af-
17 firmative vote of three-fifths of the Members of the
18 Senate, duly chosen and sworn.

19 **SEC. 6. PAYMENTS OF ADDITIONAL COSTS.**

20 (a) IN GENERAL.—If the costs to a State or local
21 government of complying with a Federal mandate exceed
22 the amounts appropriated to it according to the applicable
23 mandate schedule, the State or local government shall be
24 reimbursed for the amount of such additional costs. Such

1 additional costs shall be well-documented and not the re-
2 sult of waste or mismanagement.

3 (b) PAYMENT.—A payment under this section shall
4 be made within 30 days of presentation of proof by a State
5 or local government of additional costs to the pertinent
6 administering agency.

7 **SEC. 7. REFUND OF EXCESSIVE APPROPRIATIONS.**

8 To the extent any payment received by a State or
9 local government pursuant to this Act exceeds the actual
10 cost of complying with a Federal mandate, the State or
11 local government shall refund the amount of excess to the
12 United States Treasury.

13 **SEC. 8. CONGRESSIONAL ESTIMATES.**

14 (a) IN GENERAL.—Each bill or joint resolution con-
15 sidered on the floor of the House of Representatives or
16 the Senate shall be accompanied by a report that esti-
17 mates the costs to State and local governments that any
18 Federal mandate in such bill or joint resolution would im-
19 pose.

20 (b) ESTIMATES.—The estimates required by sub-
21 section (a) shall include—

22 (1) the costs imposed upon any 1 State or local
23 government, as may be appropriate, for each par-
24 ticular Federal mandate in the bill or joint resolu-
25 tion;

1 (2) the total amount of costs imposed by each
2 particular Federal mandate; and

3 (3) the total amount of such costs imposed by
4 all Federal mandates within the entire bill or joint
5 resolution, for the fiscal year in which the bill or
6 joint resolution would take effect, and for each of
7 the next 4 fiscal years thereafter.

8 (c) POINT OF ORDER.—

9 (1) CONGRESSIONAL ESTIMATE.—It shall not
10 be in order in the House of Representatives or the
11 Senate to consider any bill or joint resolution that
12 does not comply with the requirements of subsection
13 (b).

14 (2) POINT OF ORDER.—In the Senate, this sub-
15 section may be waived or suspended only by an af-
16 firmative vote of three-fifths of the Members of the
17 Senate, duly chosen and sworn.

18 **SEC. 9. APPLICATION OF ACT.**

19 This Act shall apply to Federal mandates imposed by
20 Federal laws enacted or reauthorized by law after the date
21 of enactment of this Act.

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