

103^D CONGRESS
1ST SESSION

S. 993

To end the practice of imposing unfunded Federal mandates on States and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

IN THE SENATE OF THE UNITED STATES

MAY 20 (legislative day, APRIL 19), 1993

Mr. KEMPTHORNE (for himself, Mr. COVERDELL, Mr. GREGG, and Mr. CRAIG) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To end the practice of imposing unfunded Federal mandates on States and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

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 “Community Regulatory
5 Relief Act”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—The Congress finds and declares
3 that—

4 (1) unfunded Federal mandates imposed on
5 State and local governments have become increas-
6 ingly extensive in recent years;

7 (2) such mandates have, in many instances,
8 added to the growing deficits in State and local gov-
9 ernment budgets and have resulted in the need for
10 State and local governments to increase revenue or
11 curtail sometimes essential services; and

12 (3) such excessive fiscal burdens on State and
13 local governments have undermined, in many in-
14 stances, the ability of State and local governments
15 to achieve their responsibilities under State and local
16 law.

17 (b) PURPOSE.—The purpose of this Act is to require
18 that the Federal Government pays the total amount of di-
19 rect costs incurred by State and local governments in com-
20 plying with certain Federal mandates which take effect on
21 or after the date of the enactment of this Act under a
22 Federal statute or regulation.

23 **SEC. 3. DEFINITIONS.**

24 For the purposes of this Act—

25 (1) the term “direct costs” means the amount
26 of costs incurred by a State or local government

1 dedicated to compliance with a Federal statute or
2 regulation or that is in excess of the amount that
3 the State or local government would incur in carry-
4 ing out that activity in the absence of the regulation,
5 but does not include any amount that a State or
6 local government is required or permitted by law to
7 contribute as a non-Federal share under a Federal
8 assistance program;

9 (2) the term “Director” shall mean the Direc-
10 tor of the Congressional Budget Office or his or her
11 designee;

12 (3) the term “Federal mandates” means a stat-
13 ute or regulation that requires a State or local gov-
14 ernment to—

15 (A) take certain actions (including a re-
16 quirement that a government meet national
17 standards in providing a service); or

18 (B) comply with certain specified condi-
19 tions in order to receive or continue to receive
20 Federal assistance and which requires the ter-
21 mination or reduction of such assistance if such
22 government fails to comply with such condi-
23 tions;

1 (4) the term “local government” has the same
2 meaning as in section 6501(6) of title 31, United
3 States Code; and

4 (5) the term “State” has the same meaning as
5 in section 6501(8) of title 31, United States Code.

6 **SEC. 4. FEDERAL FUNDING REQUIREMENT.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of law, any requirement under a Federal statute or
9 regulation that creates a Federal mandate shall apply to
10 the State or local government only if all funds necessary
11 to pay the direct costs incurred by the State or local gov-
12 ernment in conducting the activity are provided by the
13 Federal Government for the fiscal year in which the direct
14 cost is incurred.

15 (b) APPLICATION.—This section shall apply only to
16 requirements which take effect on or after the date of the
17 enactment of this Act.

18 **SEC. 5. DUTIES OF THE DIRECTOR.**

19 (a) FISCAL NOTE.—The Director shall prepare, to
20 accompany each bill, resolution or conference report re-
21 ported by any committee of the House of Representatives
22 or the Senate or considered on the floor of either House,
23 an economic analysis of the effects of such bill or resolu-
24 tion by each State government and by each local govern-
25 ment within each State in complying with the Federal

1 mandate. The analysis prepared by the Director shall be
2 included in the report accompanying such bill or resolution
3 if timely submitted to such committee before such report
4 is filed.

5 (b) REPORT OF THE DIRECTOR.—For each fiscal
6 year in which a Federal mandate will be in effect, the Di-
7 rector, in consultation with representatives of State and
8 local governments, shall prepare and submit to the Presi-
9 dent and the Congress, with the President's budget in
10 January preceding the beginning of a fiscal year, a report
11 that contains an estimate, for that fiscal year and the fol-
12 lowing fiscal year, of the total amount of direct costs that
13 have been incurred or will be incurred by each State gov-
14 ernment and by each local government within each State
15 in complying with the Federal mandate.

16 **SEC. 6. EFFECT OF SUBSEQUENT ENACTMENTS.**

17 No statute enacted after the date of enactment of this
18 Act shall supersede this Act unless the statute does so in
19 specific terms, referring to this Act, and declares that that
20 statute supersedes this Act.

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