

UNFUNDED MANDATE REFORM ACT OF 1995

JANUARY 13, 1995.—Ordered to be printed

Mr. CLINGER, from the Committee on Government Reform and Oversight, submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany H.R. 5]

[Including cost estimate of the Congressional Budget Office]

The Committee on Government Reform and Oversight, to whom was referred the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments (states in terms of the page and line numbers of the introduced bill) are as follows:

Page 3, line 25, after the semicolon strike “and”.

Page 4, strike the period at line 4 and insert “; and”, and insert after line 4 the following:

(8) to begin consideration of methods to relieve States, local governments, and tribal governments of unfunded mandates imposed by Federal court interpretations of Federal statutes and regulations.

Page 5, line 11, strike “or”.

Page 5, line 14, strike “.” and insert “; or

Page 11, line 2, strike “shall” and insert “may”.

Page 11, line 23, after “paid at” insert “a level not to exceed”.

Page 15, line 11, after “statute or regulation” insert “or any Federal court ruling”.

Page 21, after line 6, insert the following:

SEC. 205. ANNUAL REPORT TO CONGRESS REGARDING FEDERAL COURT RULINGS.

Not later than 4 months after the date of enactment of this Act, and no later than March 15 of each year thereafter, the Advisory Commission on Intergovernmental Relations shall submit to the Congress, including each of the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, and to the President a report describing Federal court rulings in the proceeding calendar year which imposed an enforceable duty on 1 or more States, local governments, or tribal governments.

Page 28, line 21, after the semicolon strike “or”.

Page 28, line 24, strike the period and insert “; or”.

Page 28, after line 24, add the following:

“(7) pertains to Social Security.

Page 30, strike line 10 and insert the following: “the private sector.”.

I. BRIEF SUMMARY

A. PURPOSE

The purpose of H.R. 5, the Unfunded Mandate Reform Act of 1995, is to strengthen the partnership between the Federal Government and the State, local and tribal governments by ensuring that Congress and the Executive Branch know and consider the impact of legislative and regulatory proposals before acting on those proposals. H.R. 5 is designed to end the imposition of Federal mandates on State, local and tribal governments in the absence of full and deliberate consideration by Congress. The legislation is further intended to provide information on the cost of mandates on the private sector, to assist Congress and the Executive Branch in considering legislative and regulatory proposals impacting the private sector.

B. SUMMARY

H.R. 5 defines a “federal intergovernmental mandate” as (1) an enforceable duty on State, local or tribal governments, or a reduction in the authorization of appropriations for federal financial assistance provided to those governments for compliance with such duty, or (2) a provision which compels state and local spending for participation in an entitlement program under which at least \$500 million is provided to States and localities annually (e.g., Medicaid).

A “federal private sector mandate” is defined as an enforceable duty on the private sector, or a reduction in the authorization of appropriations for Federal financial assistance provided to the private sector for compliance with such duty.

H.R. 5 does not apply to statutes, legislation or regulations enforcing civil and constitutional rights, requiring auditing or accounting procedures with respect to Federal grants or assistance,

providing for national emergencies, providing for the national security or the implementation of international treaty obligations, or pertaining to Social Security. Accordingly, H.R. 5 is not intended to apply to the Americans with Disabilities Act, for example.

Title I

Title I of H.R. 5 establishes a Commission on Unfunded Federal Mandates to review existing mandates and make recommendations to Congress and the President regarding the value of existing mandates and whether some or all should be eliminated or changed. The Commission terminates 90 days after submitting its final report and recommendations.

Title II

Under the provisions of Title II, federal agencies must assess the effects of their regulations on State, local and tribal governments and the private sector and seek to minimize those burdens where possible. Federal agencies also are required to consult with state and local elected officials in the development of significant regulatory proposals.

Before promulgating any final rule or general notice of proposed rulemaking that may result in the expenditure by State, local or tribal governments, in the aggregate, or the private sector, of \$100 million or more, federal agencies must prepare written statements assessing the costs, benefits and effects of those regulations.

Title III

Title III of H.R. 5 amends the Congressional Budget Act of 1974 to establish procedures for considering legislation containing Federal mandates in the Executive Branch.

When reporting a bill with a Federal mandate, a committee must request a Congressional Budget Office (CBO) cost estimate. CBO must provide a detailed cost estimate for each bill containing mandates reported by an authorizing committee that has an annual aggregate impact of \$50 million or greater on the public sector (i.e., state and local government) or \$100 million on the private sector.

A committee must publish this CBO estimate in the committee report or in the Congressional Record prior to the legislation's consideration on the House floor. Committee reports also must include (1) an assessment of the costs and benefits of the mandate; (2) a statement of the degree to which the Federal funding of an inter-governmental mandate would disadvantage the private sector; (3) a statement of the amount of assistance authorized to pay for the mandate; (4) a statement of whether the committee intends that the mandate be unfunded; and (5) a statement as to whether the legislation intends to preempt state and local law.

The bill authorizes \$4.5 million per year in new funding for CBO for FY 1996-2002.

A point of order would lie on the floor against consideration of a bill or joint resolution reported by a committee containing inter-governmental or private sector mandates unless the committee has published a CBO estimate.

A point of order would lie on the floor against consideration of a bill, joint resolution, amendment, motion or conference report

that imposes intergovernmental mandates over \$50 million on state and local governments unless the legislation:

Funds the mandates through new budget authority or new entitlement authority;

Funds the mandates through increases in receipts and new budget authority or new entitlement authority; or

Provides that any mandates will not take effect unless their direct costs are funded through an appropriations Act, and that any mandates that do take effect will be repealed effective on October 1st of the first fiscal year in which they are not funded. Alternatively, the legislation could direct agencies to reduce the costs of mandates so that direct costs do not exceed the amount of funding provided to pay those costs.

No points of order may lie against appropriations bills or an amendment thereto.

H.R. 5 is prospective only; according, it is intended to apply to reauthorizations only to the extent that they increase state and local costs by an amount that exceeds \$50 million.

II. BACKGROUND

Over the past two decades, and particularly since 1978, federal regulation of state and local governments has shifted from an incentive-based system of grants-in-aid designed to encourage state and local compliance with national policy objectives to a command-system which requires state and local compliance and often imposes penalties for failure to do so. As the federal deficit mounted, the federal Government relied heavily on these “unfunded mandates” as a way to achieve national policy objectives without paying the state and local costs of meeting those goals.

FEDERAL AID TO STATE AND LOCAL GOVERNMENTS

State and local governments became less able to absorb the costs of mandates as their own budget problems grew during the mid-1980s. Direct Federal aid to State and local governments dropped from \$47 billion in 1980 to \$19.8 billion in 1990. On the spending side, the cost of almost all categories of programs was increasing. For example, state health care spending grew at an average annual rate of 7.6% from 1985–1991. Nationwide, state health care expenditures comprised, on average, 21% of general expenditures in 1991.

Census Bureau data on sources of State and local government revenue shows a decrease in Federal funding to state and local governments. In 1979, the Federal Government’s contribution to State and local government revenues reach 18.6 percent. By 1989, the Federal share had dipped to 13.2 percent before climbing back to 14.3 percent in 1991. When adjusted for inflation, federal discretionary grants-in-aid programs for states and localities dropped 28 percent during the 1980s, a 3.1 percent real decline on an annual average basis.

A number of significant Federal aid programs to state and local governments were reduced or eliminated during the 1980s. In 1986, the Administration and Congress agreed to terminate the general revenue sharing program that provided approximately \$4.5

billion annually to state and local governments with few strings attached. Since its inception in 1972, the revenue sharing program had provided about \$83 billion to state and local governments. Funding for the Urban Development Action Grants was also terminated during this period.

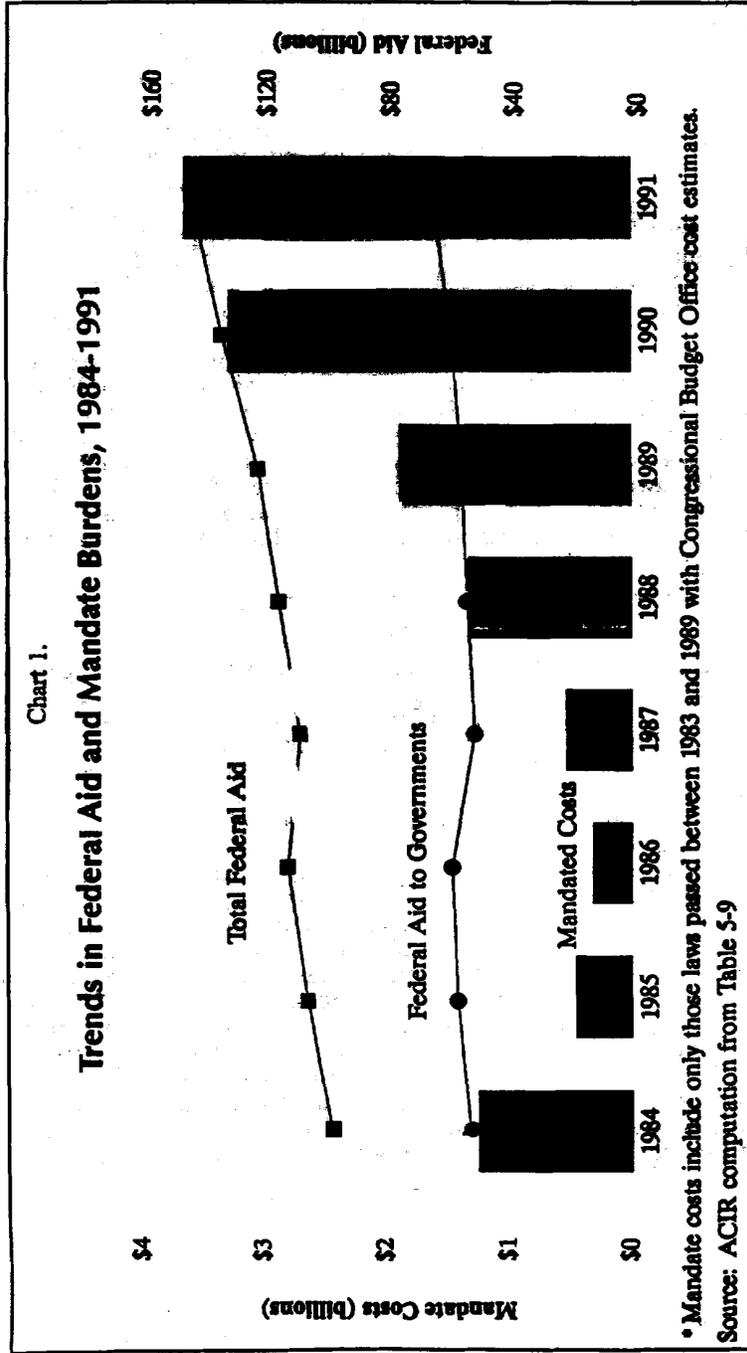
Between 1981 and 1990, funding for a number of Federal grant programs to states and localities was reduced as well. These include Economic Development Assistance (47.5 percent decrease in nominal dollars), Community Development Block Grants (21.1 percent), Mass Transit (30.2 percent), Refugee Assistance (38.4 percent), and Low Income Home Energy Assistance (17.6 percent). These cuts were partially offset by increases in funding in other areas—primarily in housing and health and human services programs.

The early 1990s saw a resurgence in funding for Federal-State-local discretionary aid programs. Funding rose from \$51.6 billion in 1990 to \$67.4 billion in 1993, a nominal increase of 30.6 percent and an inflation-adjusted average annual gain of 5.6 percent. This growth was driven primarily by expansions in funding for Head Start, Highway Funding, and Compensatory Education. Still, even with this recent growth, between 1980 and 1993 discretionary funding declined 18.3 percent in real dollars—an average annual real decrease of 1.4 percent.

THE COST OF FEDERAL MANDATES TO STATE AND LOCAL GOVERNMENTS

As State and local governments continue to devote a growing share of their budgets to compliance with federal mandates, less funding is available for other state and local priorities. In some cases, non-Federal governments have found it necessary to raise new revenues and to cut services. State and municipal leaders increasingly resent this federal practice, calling unfunded mandates “secret taxes” and the practice “coercive federalism.”

According to a July 1993 report from the Advisory Commission on Intergovernmental Relations (ACIR), 27 new laws or major amendments to existing states were enacted in the 1980s, compared with 22 major pieces of intergovernmental regulation in the 1970s. Some of these provisions were costly, while others were noted more for their intrusiveness than their expense. This increase in mandating activity is more significant in light of the overall decline in substantive legislative activity. While approximately 10 percent of all legislation passed in the mid-1970s was commemorative in nature, that proportion grew to nearly 50 percent in the mid-1980s. Thus, the 27 intergovernmental mandates adopted in the 1980s comprised a larger share of the substantive legislation passed in the 1980s as compared with the 22 pieces of intergovernmental regulation in the 1970s.



The 1980s also witnessed the enactment of several regulatory relief measures, including the creation of a series of new block grants. Overall, however, these deregulation initiatives were more than counterbalanced by the accumulation of new requirements. Congress also attached costly new conditions to existing grant programs, including a series of new conditions added to the Medicaid program and legislation increasing local government costs for federal water projects. (These conditions are not included in the inventory of 27 new regulatory statutes discussed previously.)

An ACIR review of 18 intergovernmental programs, shown in Chart 2, between 1981 and 1986 also noted a total of 140 regulatory changes, which added an estimated net total of 5,943 requirements in the 18 policy areas. These included a net 4,702 additions to program standards and a net 1,241 changes in administrative procedures.

Chart 2

SUMMARY OF CHANGES IN MANDATING ON STATE AND LOCAL GOVERNMENTS

[For 18 programs, 1981-1986]

Mandate burden increased (11):

1. Clean Air Act
2. Endangered Species Act
3. Fair Labor Standards Act (FLSA)
4. Handicapped Education (1975)
5. Historic Preservation Act
6. Ocean Dumping
7. Occupational Safety and Health Act (OSHA)
8. Pesticides (FIFRA)
9. Rehabilitation Act of 1973 (Section 504)
10. Safe Drinking Water Act
11. Wholesome Meat Act

Mandate burden stable (2):

1. Hatch Act
2. Title VI Civil Rights

Mandate burden reduced (5):

1. Age Discrimination in Employment Act
2. Davis-Bacon Act
3. Flood Disaster Protection Act
4. National Environmental Policy Act (NEPA)
5. Uniform Relocation Act

Source: U.S. General Accounting Office unpublished case studies.

ACIR's July 1993 report, "Federal Regulation of State and Local Governments: The Mixed Record of the 1980s," states:

The Commission finds that unfunded federal mandates * * * have reached such proportions as to constitute an overextension of the constitutionally delegated powers of the Congress and the Executive, an abridgement of the authority of citizens in their state and local communities to govern their own affairs, and an impairment of the ability of citizens to hold their elected federal officials accountable for the public costs of their decisions.

The Commission includes in the report a recommendation that State and local governments identify those bills pending in the Congress and regulation to be prepared within the Executive Branch and call for fiscal notes on those provisions which may have an effect on State and local governments.

The Administration's National Performance Review (NPR) reported that as of December 1992, there were at least 172 separate pieces of legislation in force that imposed requirements on state and local governments, many of which are wholly or partially unfunded. That list has grown with the subsequent passage of the National Voter Registration Act, the Family and Medical Leave Act, and the Brady law—all mandates on state and local governments as defined in H.R. 5.

Most state and local officials recognize the potential value of mandates—a cleaner environment, for example—but many argue that the costs of implementing mandates are considerable for state and local governments and have initiated studies to prove their point. For example, Michigan estimated that its spending would rise from \$39.6 million to \$136.9 million—a 245% increase—over the six-year period from 1990–1995 due to federal Medicaid mandates. A 1991 Columbus, Ohio study reported that the city would spend \$1.1 billion on federal and state environmental mandates over the next ten years, consuming nearly 25% of the city's budget by 1996. The State of California will spend \$7.7 billion to comply with unfunded and underfunded mandates in the current fiscal year 1994–95.

An October 1993 Price Waterhouse survey commissioned by the National Association of Counties estimated the cost of just twelve Federal intergovernmental mandates on counties for 1993 at \$4.8 billion. Estimated costs for the five years 1994 through 1998 total \$33.7 billion. Counties reported that unfunded Federal mandate costs consume an average of 12.3 percent of their locally raised revenues.

Chart 3

ESTIMATED COSTS OF UNFUNDED FEDERAL MANDATES TO COUNTIES

[Costs in thousands of dollars]

Mandates	Fiscal year 1993			Fiscal years 1994–1998
	Total operating costs	Total capital costs	Total costs	Projected total costs
I. Underground Storage Tanks	91,012	84,694	175,706	641,244
II. Clean Water Act/Wetlands	441,498	744,493	1,185,991	6,480,183
III. Clean Air Act (CAA)	68,469	233,252	301,721	2,682,570
IV. Subtitle D/RCRA	271,800	374,335	646,135	4,550,856
V. Safe Drinking Water Act	41,562	122,748	164,310	870,365
VI. Endangered Species Act	57,493	62,768	120,261	601,835
VII. Superfund Amendments	37,233	5,815	43,048	242,743
VIII. Americans with Disabilities Act (ADA)	127,448	166,202	293,650	2,809,840
IX. Fair Labor Standards Act	262,075	77	262,152	1,345,482
X. Davis-Bacon Act	10,979	0	10,979	104,069
XI. Arbitrage	70,874	6,885	77,759	238,481
XII. Immigration Act	1,534,188	1,471	1,535,659	13,134,358
Total	3,104,631	1,802,740	4,817,371	33,702,026

Some state and local government officials are challenging the constitutionality of mandates in court. On December 21, 1994, Governor Wilson of California filed suit in federal court seeking to bar the Clinton Administration from enforcing the National Voter Registration Act. Twelve other states have joined California in resisting the "Motor Voter" law. Governor Wilson argues that the law is a violation of the 10th Amendment, which reserves to the States or the people those powers not delegated to the Federal Government. The Brady Law has been challenged in court by local officials who charge that it allows the Federal Government to "commandeer" their budgets.

The contention over federal mandates has contributed to a deterioration in the already-complicated Federal-State-local relationship. Local officials resent State mandates as well as those imposed by the Federal Government, while the States argue in many cases that they are merely passing along federal dictates. The Federal Government will defend its actions by maintaining that mandates are a direct result of State and local government failure to meet their share of responsibilities. State and localities will assail the burdensome and inflexible regulations promulgated by federal agencies, but agencies claim they are only fulfilling the will of Congress in implementing statutes. Confusion and frustration characterize much of the intergovernmental relationship and make it difficult for all levels of government to work together constructively to provide the best possible services to the American people as efficiently and effectively as possible.

III. LEGISLATIVE HISTORY/COMMITTEE CONSIDERATION

The Human Resources and Intergovernmental Relations Subcommittee held three hearings in the 103rd Congress on unfunded mandates, including field hearings in Pennsylvania and Florida. The subcommittee also held a hearing on "America's Urban Crisis" in May 1993, at which New York City Mayor David Dinkins presented a report "Save Our Cities, Save our Children, Save Our Future: A Comprehensive Urban Program Proposal." On mandates, Mayor Dinkins' report states that:

Cities are being consumed by well-meaning but extraordinarily irresponsible actions of the Federal Government. Not only do mandates preclude allowances for local priorities, they have grown so large that they threaten the ability of local governments to meet their other obligations.

An October, 1993 hearing in Harrisburg, Pennsylvania heard testimony from a number of State and local elected officials and representatives of the private sector. Douglas Hill, the Executive Director of the Pennsylvania Association of County Commissioners, testified that all mandates imposed on localities must be funded by the local property tax, the only tax base available to Pennsylvania county government. Peter Marshall, the Borough Manager of State College, noted that this favors the rich and hurts the poor, as the property tax is a flat tax and does not consider ability to pay.

All the county commissioners who testified provided compelling examples of the burdens caused by compliance with costly man-

dates. As Larry Kephart, the County Commissioner of Clinton County, testified:

* * * in the State of Pennsylvania we rely on a real estate tax to operate all of these services. In our county, which has a high elderly population, it is extremely hard to continue to raise taxes to perform services that are mandated and under-funded.

The County Commissioners of Jefferson and Adams Counties highlighted the frustrations of local elected officials, who have “no say” in the mandated program.

The subcommittee also heard testimony from Ken Mease, president of Ken-Tex Corporation, on the burdens of mandates placed on the private sector. He noted that 80 percent of all new jobs are created by small, independent entrepreneurs. Mr. Mease testified that “solutions are more readily found within the market, without government intervention.” He cited the Clean Air Act as an example of the “legislative overkill that is helping to bankrupt businesses and drive others to move their operations off-shore.”

In February, 1994, the subcommittee traveled to Sanford, Florida to hear further evidence of the burdens caused by unfunded mandates. The subcommittee took testimony from state and local officials, including Mayor Glenda Hood of Orlando. Mayor Hood offered one example of the difficulty federal regulations pose for localities: the federal Environmental Protection Agency ordered the City of Orlando to get rid of a herbicide the city was using because it had been declared carcinogenic. The city asked the Florida Department of Environmental Regulation where it could dispose of it, and was told a company named City Chemical was permitted to handle the herbicide. However, City Chemical failed to properly dispose of the herbicide and thousands of other gallons of toxic waste. The EPA ordered a clean-up of City Chemical and determined that the city’s share of that clean-up would be \$6 million—\$8 million—even though they only shipped 37 gallons of the herbicide to City Chemical. Those 37 gallons were fifty-five thousandths of one percent of the total amount of chemicals at the site. Thousands of dollars in legal fees later, the city was able to convince the EPA that its share of the clean-up should be significantly less.

Another expensive mandate discussed at the Florida hearing is the National Voter Registration Act. Dorothy Joyce, Director of the Division of Elections for the Florida Department of State, testified that:

While welcoming the valuable contributions of the National Voter Registration Act, we firmly believe that we cannot properly do our job as required by the Act without adequate funding to cover the additional burdens Congress has placed upon our State.

She estimated the annual cost of the “Motor Voter” legislation to be \$615,000 for the state division of elections alone, with significant additional costs to be borne by the Department of Health and Rehabilitative Services (\$1.6 million) and the Department of Highway Safety and Motor Vehicles (\$350,000).

A third subcommittee hearing in May 1994 heard testimony from Members of Congress on various bills designed to provide relief from federal mandates. Reps. Clinger (R-PA), Condit (D-CA), Moran (D-VA), Roberts (R-KS) and Shays (R-CT) testified regarding the need for adequate cost information and a process to curb future mandating activity by the Congress. Mr. Clinger and Mr. Roberts pointed out the critical need for evaluation of existing mandates and an assessment of their value.

In June 1994, the Senate Committee on Governmental Affairs marked up and reported S. 993, the "Federal Mandate Accountability and Reform Act of 1994." This measure was introduced in the House as H.R. 4771, sponsored by Human Resources and Intergovernmental Relations Subcommittee Chairman Edolphus Towns (D-NY), House Government Operations Committee Chairman John Conyers, Jr. (D-MI), and Reps. Moran, Barrett (D-WI) and Payne (D-NJ). H.R. 4771 embodied at least part of the solution to the problems of unfunded mandates as expressed by witnesses in the subcommittee's four hearings.

In the Subcommittee mark-up, Rep. Rob Portman (R-OH) offered a number of amendments to ensure that the legislation would be effective in the House in light of House rules and the House Rules Committee. These amendments were defeated and H.R. 4771 was passed by the subcommittee on a voice vote without amendment.

Subsequent negotiations between the majority and minority led to the introduction on September 29, 1994 of H.R. 5128, the Federal Mandate Relief for State and Local Governments Act. This legislation was introduced by Full Committee Chairman Conyers, Ranking Minority Member Clinger, and Reps Towns and Shays. H.R. 5128 was based on H.R. 4771, but included the Portman amendments, a provision to require the Director of the Congressional Budget Office to estimate the costs of selected mandates on the private sector, and a process by which the Advisory Commission on Intergovernmental Relations would review existing mandates and make recommendations to the President and the Congress. On October 5, 1994, H.R. 5128 was marked up and ordered reported favorably by the Government Operations Committee by a vote of 35 to 4, with one Member voting "present". The House adjourned without further consideration of H.R. 5128.

In the 104th Congress, Committee on Government Reform and Oversight Chairman Clinger joined with Reps. Portman, Condit and Thomas Davis (R-VA) to introduce H.R. 5, the Unfunded Mandate Reform Act of 1995, on January 4, 1995. The bill was referred to the Committee on Government Reform and Oversight, with secondary referrals given to the Committees on Rules, Budget and Judiciary. On January 10th, the Committee voted to report H.R. 5 by a voice vote after a mark up in which 18 amendments were offered and 4 were adopted. Of those amendments adopted, three were offered by Rep. Horn (R-CA) and one was offered by Rep. Kanjorski (D-PA).

H.R. 5 is rooted heavily in H.R. 5128. The major differences are the addition of private sector cost impact statements for legislation expected to cost the private sector in excess of \$100 million, and the provision forcing a majority of the House to waive a point of

order against the consideration of new intergovernmental mandates costing at least \$50 million if they are not federally funded.

The Committee did not consider sections 201, 202, or Title III of the bill based on consultations with the Parliamentarian that those provisions were not in the Committee's jurisdiction.

IV. SECTION-BY-SECTION ANALYSIS

SHORT TITLE

Section 1 is the short title for the Act, the "Unfunded Mandate Reform Act of 1995".

PURPOSES

Section 2 describes the purposes of the Act: to bolster intergovernmental partnership, to end the imposition of unfunded federal mandates without full consideration by Congress, to inform Congress of proposed legislation containing unfunded mandates and require a point-of-order vote on such legislation, to help Federal agencies in their consideration and adoption of regulations, and to ensure that the Federal government will not impose any unfunded mandates on State, local, and tribal governments without also providing adequate funding for compliance.

DEFINITIONS

Section 3 states that certain terms have the meaning given those terms by Sec. 421 of the bill.

Defines "small government" as, generally, governments with less than 50,000 population.

LIMITATION ON APPLICATION

Section 4 provides that this Act shall not apply to Federal statutes or regulations that: enforce individual Constitutional rights; enforce statutory rights to prohibit discrimination on the basis of race, religion, gender, national origin, or handicapped or disability status; requires compliance with Federal auditing and accounting procedures; provides emergency relief assistance or is designated as emergency legislation; are necessary for national security or ratification or implementation of international treaties; or pertain to Social Security. This section excluding laws based upon disability status is intended to include the Americans with Disabilities Act.

TITLE I—REVIEW OF UNFUNDED FEDERAL MANDATES

Establishment

Section 101 establishes the "Commission on Unfunded Federal Mandates".

Report on unfunded Federal mandates by the Commission

Section 102

Requires the Commission to study existing mandates and to make recommendations to Congress and the President on: allowing flexibility in compliance; reconciling contradictory or inconsistent requirements to facilitate compliance; terminating duplicative, im-

practical, or obsolete mandates; suspending mandates not vital to health and safety; and, establishing common standards for State and local governments to ease compliance.

Requires the Commission to establish criteria toward making the above recommendations and to make them available for public comment before finalization. Also requires the Commission to hold public hearings and to submit a preliminary report 9 months after its inception. A final report is to be published 3 months later and submitted to the Committees on Government Reform and Oversight and Governmental Affairs and the President.

Membership

Section 103

The Commission will have 9 members: 3 appointed by the Speaker in consultation with the minority leader; 3 appointed by the Senate majority leader in consultation with the minority leader; and 3 appointed by the President. The President will select the Chair at the time of his/her appointment.

Director and Staff of Commission; experts and consultants

Section 104

The Commission will appoint a Director. This section also allows the Director to hire sufficient staff and authorizes the Commission to use temporary consultants and Federal agency staff as necessary.

Powers of commission

Section 105

Allows the Commission to hold hearings, obtain necessary official data, use the mail system, and secure administrative support and contract services.

Termination

Section 106

The Commission will dissolve 90 days after filing its last report.

Authorization of appropriations

Section 107

\$1,000,000 is authorized to fund the Commission.

Definition

Section 108

For this title, the term "federal mandate" means any provision in statute, regulation or court ruling that imposes an enforceable duty upon States, localities, or tribal governments, including a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

*Effective Date**Section 109*

This takes effect 60 days after the date of enactment of this Act.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

*Regulatory process**Section 201*

Directs agencies to assess the effect of their regulations on State, local, and tribal governments and the private sector and to find ways to minimize any regulatory burdens.

Agencies are to develop a process that permits elected officials (or their designated representatives) input into the development of regulations that contain significant intergovernmental mandates. Additionally, agencies are to develop plans to inform small governments of potentially significant regulations and to advise them on compliance. Finally, agencies are required to estimate the effect of Federal private sector mandates on the national economy.

*Statements to accompany significant regulatory actions**Section 202*

Before a Federal agency promulgates any final rule or notice of proposed rulemaking that includes any Federal mandate estimated to result in expenditures of over 100 million for State, local, or tribal government, in the aggregate, or for the private sector, in any one year, that agency must complete a written statement addressing the following:

Anticipated costs of compliance to State, local, and tribal governments, including the availability of Federal funds to pay these costs;

The future cost of the Federal mandate and any disproportionate budgetary effects upon particular States, regions, communities, or the private sector;

Qualitative and, if possible, quantitative cost-benefit analysis of the Federal mandates;

The effect of Federal private sector mandates on the national economy;

Summaries of the agency's prior consultation with elected representatives and of concerns that were presented by States, local or tribal governments, and the private sector.

The agency's position supporting the need to issue the regulation containing the federal mandates.

*Assistance to the Congressional Budget Office**Section 203*

Charges the Director of the Office of Management and Budget to collect the reports required by section 202 and forward copies of them to the Congressional Budget Office.

*Pilot program on small government flexibility**Section 204*

Directs the OMB director to, in consultation with federal agencies, establish pilot programs at least 2 agencies to test new regulatory approaches that reduce reporting and compliance burdens on small governments while meeting all statutory objectives.

*Annual report to Congress regarding Federal Court rulings**Section 205*

No later than 4 months after the date of enactment of this Act, and no later than March 15th annually thereafter, the Advisory Commission on Intergovernmental Relations shall report to the Government Reform and Oversight Committee in the House and the Governmental Affairs Committee in the Senate, and the President, a report describing Federal court rulings in the preceding calendar year which imposed an enforceable duty on one or more State, local or tribal governments

TITLE 3—LEGISLATIVE ACCOUNTABILITY AND REFORM

*Legislative mandate accountability and reform**Section 301*

Title IV of the Congressional Budget Act of 1974 is amended by adding a new part:

PART B—FEDERAL MANDATES

*Definitions**Section 421*

“AGENCY”: excludes the independent regulatory agencies from the definition of a federal agency.

“DIRECTOR”: means the Director of the Congressional Budget Office

“FEDERAL FINANCIAL ASSISTANCE”: the amount of budget authority for any Federal grant assistance, or any Federal program providing loan guarantees or direct loans.

“FEDERAL INTERGOVERNMENTAL MANDATES”: any provision in legislation, statute, or regulation that would impose an enforceable duty upon, State, local, or tribal governments, except as a condition of Federal assistance or as a duty arising from participation in a voluntary program, or that would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance for complying with such duty unless the duty is reduced or eliminated by a corresponding amount; or

Any provision that relates to a then-existing Federal program under which \$500 million or more is provided annually under entitlement authority if the provision would increase the stringency of conditions of assistance, or place caps upon or otherwise decrease the Federal Government’s responsibility to provide funding, and participating governments lack authority

to amend their financial or programmatic responsibilities to continue providing required services.

“FEDERAL PRIVATE SECTOR MANDATE”: any provision in legislation, statute, or regulation that would impose an enforceable duty on the private sector except a condition of Federal assistance or a duty arising from participation in a voluntary Federal program or that would reduce or eliminate the available amount of authorization of appropriations for Federal financial assistance.

“FEDERAL MANDATE”: A Federal intergovernmental mandate or a Federal private sector mandate.

“FEDERAL MANDATE DIRECT COSTS”: The aggregate estimated amounts that all State, local, and tribal governments or the private sector would be required to spend or to forego in revenues to comply with a Federal mandate. This term is intended to apply only to new costs on state and local governments or the private sector as a result of the mandate.

“EXCLUSION FROM DIRECT COSTS”: The term ‘direct costs’ does not include estimated amounts that would be spent to comply with laws and regulations in effect at the time of the adoption of the Federal mandate for the same activity, or expenditures that will be offset by direct savings resulting from compliance with the mandate or other changes in Federal law or regulation that are included in the same measure as is affected by the mandate.

“DETERMINATION OF COSTS”: Direct costs shall be determined based on the assumption the State, local, and tribal governments and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations. Increasing State, local, or tribal taxes is not a “reasonable step.”

“LOCAL GOVERNMENT”: a unit of general local government, a school district, or other special district under State law.

“PRIVATE SECTOR”: means individuals, partnerships, associations, corporations, business trusts, or legal representatives, organized groups of individuals, and educational or other non-profit institutions.

“REGULATION” or “RULE”: means any rule for which the agency publishes a general notice of proposed rulemaking or any other law, including any rule of general applicability governing Federal grants to State and local governments for which the agency provides an opportunity for notice and public comment.

Limitation on application

Section 422

This part shall not apply to any provision in a bill, joint resolution, motion, amendment, or conference report before Congress that:

1. enforces constitutional rights of individuals;

2. establishes or enforces statutory rights that prohibit discrimination on the basis of race, religion, gender, national origin, or handicapped or disability status;
3. requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the Federal Government;
4. provides emergency relief at the request of a State, local or tribal government, or any official of such a government;
5. is necessary for the national security or the ratification or implementation of international treaty obligations;
6. the President designates as emergency legislation and that the Congress so designates in statute; or
7. pertains to Social Security.

Duties of congressional committees

Section 423

Authorizing committees must include in their reports a list of Federal mandates in the measure, along with a report from the Director, if available; a qualitative and if possible a quantitative assessment of costs and benefits associated with the mandates; and an estimate of the effects on public and private sectors.

For Federal intergovernmental mandates, the report also must contain the amount of increase or decrease in authorization for new or existing Federal financial assistance programs provided in the measure; a statement of whether the committee intends that the mandate shall be partly or entirely unfunded, and the reasons; and a statement of existing sources of Federal financial assistance that might help pay the direct costs of the mandates.

The committee report must state whether the measure intends to preempt State, local, or tribal law, and if so, explain the reasons why.

The statement required from the Director in Sec. 424 is to be included in the committee report or in the Congressional Record before floor consideration.

Duties of the Director

Section 424

(a) Statements on Bills and Joint Resolutions Other Than Appropriations Bills and Joint Resolutions.—For each public bill reported by an authorizing committee, the Director shall prepare a statement as to whether the estimated direct costs will equal or exceed \$50 million in the first year or any of the 4 fiscal years following; the statement should include estimates of the total amount of direct budget cost and the amount of increase in authorization of appropriations or of budget or entitlement authority for existing programs or new authorization provided in the measure for the new activities.

A similar report must be prepared for any private sector mandate whose direct cost will equal or exceed \$100 million.

If the Director determines that a reasonable estimate of private sector costs is not feasible, he must so report, giving the reasons.

If the Director estimates that the direct costs will be less than the thresholds, he must so state, giving the basis of the estimate.

Conference committees must, to the greatest extent possible, include a supplemental statement from the Director regarding the amended form of the measure.

(b) Assistance to Committees and Studies.—The Director is required to consult with and assist any committee to analyze proposed legislation that might have a significant budgetary impact on State, local, or tribal governments or the private sector.

The Director is to conduct continuing studies to enhance comparisons of budget outlays, credit authority, and tax expenditures.

The Director is to conduct studies of legislative proposals containing a Federal mandate, when requested by a committee; in conducting the studies, the Director is to solicit and consider information from private sector and elected officials or their representatives, consider establishing advisory panels if the Director determines they would be helpful, and if feasible include estimates of long-term future direct costs and any disproportionate effects on particular industries or sectors of the economy, States, regions, and urban and rural or other types of communities. Similar studies are to be conducted on private sector mandates.

(c) Views and Estimates of Committees.—Committees are to include in their views and estimates to the Budget Committees information on proposed legislation establishing, amending, or reauthorizing any Federal program likely to have significant budgetary impact on State, local, or tribal governments or the private sector, including proposals submitted by the executive branch.

(d) Authorization of appropriations.—Authorizes the appropriation of \$4.5 million to the Congressional Budget Office annually for fiscal years 1996 through 2002.

Point of Order

Section 425

(a) In general.—It shall not be in order to consider any bill reported by a committee unless the statement of the Director has been published by the Committee, or any bill, joint resolution, amendment, motion, or conference report containing a Federal intergovernmental mandate with direct costs of more than \$50 million or that would cause the direct costs of any other Federal intergovernmental mandate to exceed that level unless:

The measure provides new budget or entitlement authority in the House or direct spending authority in the Senate for each fiscal year that equals or exceeds the estimated direct costs; or

The measure provides an increase in receipts or a decrease in new budget or entitlement authority in the House or direct spending authority in the Senate and an increase in new budget or entitlement authority in the House or an increase in direct spending authority in an amount that equals or exceeds the estimated direct costs; or

The measure provides that the mandate shall be effective only if appropriations are provided for a given fiscal year, and the mandate is repealed on the first day of any fiscal year for which appropriations for all direct costs are not provided; or

The measure requires a Federal agency to reduce programmatic and financial responsibilities for meeting the objectives so that the direct costs do not exceed the amount of Federal funding provided. The agencies are to establish criteria and procedures for such a reduction.

(b) *Limitation on application to appropriation bills.*—Bills reported by the Committee on Appropriations are not covered by the requirements in Subsection (a).

(c) *Determination of direct costs based on estimates.*—The Budget Committees, in consultation with the Director, shall estimate the amount of direct costs of a Federal mandate for a fiscal year.

(d) *Determination of existence of Federal mandate.*—The question of whether a measure contains a Federal intergovernmental mandate will be determined by the Committee on Government Reform and Oversight in the House or the Committee on Governmental Affairs in the Senate, as applicable.

Enforcement in the House of Representatives

Section 426

It shall not be in order in the House to consider a rule or order that waives the application of Section 425(a).

Enforcement in the House of Representatives

Section 302

(a) Amends Clause 5 of rule XXIII of the House by adding a provision making it always in order, unless specifically waived by the rule, to move to strike from the portion of the bill then open to amendment any Federal mandate whose direct costs exceed the \$50 million threshold.

(b) The Committee on Rules shall include in its annual report on the activities of the Committee a separate item identifying all waivers of points of order relating to Federal mandates, listed by bill or joint resolution number and the subject matter of that measure.

Exercise of rulemaking powers

Section 303

The terms of Title III are enacted as an exercise of the rulemaking powers of the House and Senate and either House may change the rule at any time.

Conforming amendment to Table of Contents

Section 304

Provides for change in the table of contents of the Congressional Budget and Impoundment Control Act of 1974.

Technical amendment

Section 305

Repeals the State and Local Government Cost Estimate Act of 1981 (P.L. 97-109).

Effective date

Section 306

Title III shall take effect on October 1, 1995.

V. COMMITTEE IMPACT STATEMENT

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office, pursuant to section 403 of the Congressional Budget Act of 1974.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATES

The following is the Congressional Budget Office cost estimate as required by clause 2(l)(3)(C) of rule XI:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 13, 1995.

Hon. WILLIAM F. CLINGER,
Chairman, Committee on Government Reform and Oversight, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 5, the Unfunded Mandate Reform Act of 1995.

Enactment of H.R. 5 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

James L. Blum,
(For Robert D. Reischauer, Director).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 5.
2. Bill title: Unfunded Mandate Reform Act of 1995.
3. Bill status: As ordered reported by the House Committee on Government Reform and Oversight on January 11, 1995.
4. Bill purpose: H.R. 5 would require authorizing committees in the House and Senate to include in their reports on legislation a description and an estimate of the cost of any federal mandates in that legislation, along with an assessment of their anticipated benefits. Costs would include any revenues forgone in order to comply with mandates.

Mandates are defined to include provisions that impose duties on states, localities, or Indian tribes ("intergovernmental mandates") or on the private sector ("private sector mandates"). Mandates also would include provisions that reduce or eliminate any authorization of appropriations to assist state, local, and tribal governments or the private sector in complying with federal requirements, unless the requirements are correspondingly reduced. In addition, intergovernmental mandates would include changes in the conditions governing certain types of entitlement program (for example, Medicaid). Conditions of federal assistance and duties arising from participation in most voluntary federal programs would not be considered mandates.

Committee reports would have to provide information on the amount of federal financial assistance that would be available to carry out any intergovernmental mandates in the legislation. In addition, committees would have to note whether the legislation preempts any state or local laws. The requirements of the bill would not apply to provisions that enforce the constitutional rights of individuals, that are necessary for national security, that pertain to Social Security, or that meet certain other conditions.

For legislation other than appropriation bills, the Congressional Budget Office (CBO) would be required to provide committees with estimates of the direct cost of mandates in reported bills and to the greatest extent practicable, for conference agreements. Specific estimates would be required for intergovernmental mandates costing \$50 million or more and, if feasible, for private sector mandates costing \$100 million or more in a particular year. (CBO currently prepares estimates of costs to states and localities of reported bills, but does not project costs imposed on Indian tribes or the private sector.) In addition, CBO probably would be asked to assist the Budget Committees by preparing estimates for amendments and at other stages of a bill's consideration. Also, at other times, when requested by Congressional committees, CBO would analyze proposed legislation likely to have a significant budgetary or financial impact on state, local, or tribal governments or on the private sector, and would prepare studies on proposed mandates. H.R. 5 would authorize the appropriation of \$4.5 million to CBO for each of the fiscal years 1996–2002 to carry out the new requirements. These requirements would take effect on October 1, 1995, and would be permanent.

H.R. 5 would establish a point of order in both the House and the Senate against any bill or joint resolution reported by an authorizing committee that lacks the necessary CBO statement or that results in direct costs (as defined in the bill) of \$50 million or more in a year to state, local, and tribal governments. The legislation would be in order if it provided funding to cover the direct costs incurred by such governments. It also would be in order if it provided that the mandate shall be effective for any fiscal year only if sufficient funds are appropriated in that year to pay for the direct costs of carrying out the mandate, or if it required the relevant federal agency to reduce state, local, and tribal responsibilities under the mandate such that their costs would not exceed the amount of federal funding provided.

Finally, H.R. 5 would require executive branch agencies to take actions to ensure that state, local, and tribal concerns are fully considered in the process of promulgating regulations. These actions would include the preparation of estimates of the anticipated costs of regulations to state, localities, and Indian tribes, along with an assessment of the anticipated benefits. Before establishing new regulations, agencies would be required to determine the effect that private sector mandates could have on the national economy, the international competitiveness of the United States, and other factors. In addition, the bill would authorize the appropriation of \$1 million, to be spent over fiscal years 1995 and 1996, for a temporary Commission on Unfunded Federal Mandates, which would

recommend ways to reconcile, terminate, suspend, consolidate, or simplify federal mandates.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1995	1996	1997	1998	1999	2000
Congressional Budget Office:						
Authorization of appropriations		4.5	4.5	4.5	4.5	4.5
Estimated outlays		4.0	4.4	4.4	4.4	4.4
Commission on Unfunded Federal Mandates:						
Authorization of appropriations	1.0					
Estimated outlays	0.4	0.6				
Bill total:						
Authorization of appropriations	1.0	4.5	4.5	4.5	4.5	4.5
Estimated outlays	0.4	4.6	4.4	4.4	4.4	4.4

The costs of this bill fall within budget function 800.

Basis of estimate: CBO assumes that the specific amounts authorized will be appropriated and that spending will occur at historical rates.

We estimate that executive branch agencies would incur no significant additional costs in carrying out their responsibilities associated with the promulgation of regulations because most of these tasks are already required by Executive Orders 12875 and 12866.

6. Comparison with spending under current law: H.R. 5 would authorize additional appropriations of \$4.5 million a year for the Congressional Budget Office beginning in 1996. CBO's 1995 appropriation is \$23.2 million. If funding for current activities were to remain unchanged in 1996, and if the full additional amount authorized were appropriated, CBO's 1996 appropriation would total \$27.7 million, an increase of 19 percent.

Because H.R. 5 would create the Commission on Unfunded Federal Mandates, there is no funding under current law for the commission.

7. Pay-as-you-go considerations: None.

8. Estimated cost to State and local governments: None.

9. Estimate comparison: On January 9, 1995, CBO prepared cost estimates for S. 1, the Unfunded Mandate Reform Act of 1995, as ordered reported on January 9, 1995, by the Senate Committees on Governmental Affairs and on the Budget.

On January 12, 1995, CBO transmitted to the House Committee on the Rules a cost estimate for H.R. 5, the Unfunded Mandate Reform Act of 1995, as ordered reported by that committee on January 12, 1995. The estimated cost of all versions of the Unfunded Mandate Reform Act of 1995 is the same.

10. Previous CBO estimate: None.

11. Estimate prepared by: Mary Maginniss.

12. Estimate approved by: Paul Van de Water, Assistant Director for Budget Analysis.

VII. INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the House of Representatives, the Committee estimates that H.R. 5 will have no significant inflationary impact on prices and costs in the national economy.

VIII. OVERSIGHT FINDINGS

Findings and recommendations by the Committee on Government Reform and Oversight pursuant to clause 2(l)(3)(D) of rule XI are incorporated into the descriptive portions of this report.

IX. ROLL CALL VOTES

In compliance with clause 2(l)(2)(B) of rule XI, the record of roll call votes taken with respect to H.R. 5 is appended in this report.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**CONGRESSIONAL BUDGET AND IMPOUNDMENT
CONTROL ACT OF 1974**

* * * * *

SHORT TITLES: TABLE OF CONTENTS

SECTION 1. (a) SHORT TITLES.—This Act may be cited as the “Congressional Budget and Impoundment Control Act of 1974”. Titles I through IX may be cited as the “Congressional Budget Act of 1974” and title X may be cited as the “Impoundment Control Act of 1974”.

(b) TABLE OF CONTENTS.—

Sec. 1. Short titles; table of contents.

* * * * *

TITLE IV—ADDITIONAL PROVISIONS TO IMPROVE FISCAL PROCEDURES

PART A—GENERAL PROVISIONS

Sec. 401. Bills providing new spending authority.

* * * * *

PART B—FEDERAL MANDATES

Sec. 421. Definitions.

Sec. 422. Limitation on application.

Sec. 423. Duties of congressional committees.

Sec. 424. Duties of the Director.

Sec. 425. Point of order.

Sec. 426. Enforcement in the House of Representatives.

* * * * *

TITLE IV—ADDITIONAL PROVISIONS TO IMPROVE FISCAL PROCEDURES

PART A—GENERAL PROVISIONS

BILLS PROVIDING NEW SPENDING AUTHORITY

SEC. 401. (a) CONTROLS ON LEGISLATION PROVIDING SPENDING AUTHORITY.—It shall not be in order in either the House of Representatives or the Senate to consider any bill, joint resolution,

amendment, motion, or conference report, as reported to its House which provides new spending authority described in subsection (c)(2) (A) or (B), unless that bill, resolution, conference report, or amendment also provides that such new spending authority as described in subsection (c)(2) (A) or (B) is to be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

* * * * *

PART B—FEDERAL MANDATES

SEC. 421. DEFINITIONS.

For purposes of this part:

(1) *AGENCY.*—The term “agency” has the meaning stated in section 551(1) of title 5, United States Code, but does not include independent regulatory agencies, as defined by section 3502(10) of title 44, United States Code.

(2) *DIRECTOR.*—The term “Director” means the Director of the Congressional Budget Office.

(3) *FEDERAL FINANCIAL ASSISTANCE.*—The term “Federal financial assistance” means the amount of budget authority for any Federal grant assistance or any Federal program providing loan guarantees or direct loans.

(4) *FEDERAL INTERGOVERNMENTAL MANDATE.*—The term “Federal intergovernmental mandate” means—

(A) any provision in legislation, statute, or regulation that—

(i) would impose an enforceable duty upon States, local governments, or tribal governments, except—

(I) a condition of Federal assistance; or

(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B); or

(ii) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that would be provided to States, local governments, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

(B) any provision in legislation, statute, or regulation that relates to a then-existing Federal program under which \$500,000,000 or more is provided annually to States, local governments, and tribal governments under entitlement authority, if—

(i)(I) the provision would increase the stringency of conditions of assistance to States, local governments, or tribal governments under the program; or

(II) would place caps upon, or otherwise decrease, the Federal Government’s responsibility to provide funding to States, local governments, or tribal governments under the program; and

(ii) the States, local governments, or tribal governments that participate in the Federal program lack au-

thority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the legislation, statute, or regulation.

(5) *FEDERAL PRIVATE SECTOR MANDATE.*—The term “Federal private sector mandate” means any provision in legislation, statute, or regulation that—

(A) would impose an enforceable duty on the private sector except—

(i) a condition of Federal assistance; or

(ii) a duty arising from participation in a voluntary Federal program; or

(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purpose of ensuring compliance with such duty.

(6) *FEDERAL MANDATE.*—The term “Federal mandate” means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (4) and (5).

(7) *FEDERAL MANDATE DIRECT COSTS.*—

(A) *FEDERAL INTERGOVERNMENTAL DIRECT COSTS.*—In the case of a Federal intergovernmental mandate, the term “direct costs” means the aggregate estimated amounts that all States, local governments, and tribal governments would be required to spend or would be required to forego in revenues in order to comply with the Federal intergovernmental mandate, or, in the case of a provision referred to in paragraph (4)(A)(ii), the amount of Federal financial assistance eliminated or reduced.

(B) *PRIVATE SECTOR DIRECT COSTS.*—In the case of a Federal private sector mandate, the term “direct costs” means the aggregate estimated amounts that the private sector would be required to spend in order to comply with a Federal private sector mandate.

(C) *EXCLUSION FROM DIRECT COSTS.*—The term “direct costs” does not include—

(i) estimated amounts that the States, local governments, and tribal governments (in the case of a Federal intergovernmental mandate), or the private sector (in the case of a Federal private sector mandate), would spend—

(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations in effect at the time of the adoption of a Federal mandate for the same activity as is affected by that Federal mandate; or

(II) to comply with or carry out State, local governmental, and tribal governmental programs, or private-sector business or other activities in effect at the time of the adoption of a Federal mandate for the same activity as is affected by that mandate; or

(ii) expenditures to the extent that they will be offset by any direct savings to be enjoyed by the States, local

governments, and tribal governments, or by the private sector, as a result of—

(I) their compliance with the Federal mandate;

or

(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate.

(D) **DETERMINATION OF COSTS.**—Direct costs shall be determined based on the assumption that States, local governments, tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations. Reasonable steps to mitigate the costs shall not include increases in State, local, or tribal taxes or fees.

(8) **LOCAL GOVERNMENT.**—The term “local government” has the same meaning as in section 6501(6) of title 31, United States Code.

(9) **PRIVATE SECTOR.**—The term “private sector” means individuals, partnerships, associations, corporations, business trusts, or legal representatives, organized groups of individuals, and educational and other nonprofit institutions.

(10) **REGULATION.**—The term “regulation” or “rule” has the meaning of “rule” as defined in section 601(2) of title 5, United States Code.

(11) **STATE.**—The term “State” has the same meaning as in section 6501(9) of title 31, United States Code.

SEC. 422. LIMITATION ON APPLICATION.

This part shall not apply to any provision in a bill, joint resolution, motion, amendment, or conference report before Congress that—

- (1) enforces constitutional rights of individuals;
- (2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, national origin, or handicapped or disability status;
- (3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the Federal Government;
- (4) provides for emergency assistance or relief at the request of any State, local government, or tribal government or any official of such a government;
- (5) is necessary for the national security or the ratification or implementation of international treaty obligations;
- (6) the President designates as emergency legislation and that the Congress so designates in statute; or
- (7) pertains to Social Security.

SEC. 423. DUTIES OF CONGRESSIONAL COMMITTEES.

(a) **SUBMISSION OF BILLS TO THE DIRECTOR.**—When a committee of authorization of the House of Representatives or the Senate orders a bill or joint resolution of a public character reported, the commit-

tee shall promptly provide the text of the bill or joint resolution to the Director and shall identify to the Director any Federal mandate contained in the bill or resolution.

(b) COMMITTEE REPORT.—

(1) INFORMATION REGARDING FEDERAL MANDATES.—When a committee of authorization of the House of Representatives or the Senate reports a bill or joint resolution of a public character that includes any Federal mandate, the report of the committee accompanying the bill or joint resolution shall contain the information required by paragraph (2) and, in the case of a Federal intergovernmental mandate, paragraph (3).

(2) REPORTS ON FEDERAL MANDATES.—Each report referred to in paragraph (1) shall contain—

(A) an identification and description of each Federal mandate in the bill or joint resolution, including the statement, if available, from the Director pursuant to section 424(a);

(B) a qualitative assessment, and if practicable, a quantitative assessment of costs and benefits anticipated from the Federal mandate (including the effects on health and safety and protection of the natural environment); and

(C) a statement of the degree to which the Federal mandate affects each of the public and private sectors and the extent to which Federal payment of public sector costs would affect the competitive balance between States, local governments, or tribal governments and the private sector.

(3) INTERGOVERNMENTAL MANDATES.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report referred to in paragraph (1) shall also contain—

(A)(i) a statement of the amount, if any, of increase or decrease in authorization of appropriations under existing Federal financial assistance programs or for new Federal financial assistance, provided by the bill or joint resolution and usable for activities of States, local governments, or tribal governments subject to Federal intergovernmental mandates; and

(ii) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and, if so, the reasons for that intention; and

(B) a statement of any existing sources of Federal financial assistance in addition to those identified in subparagraph (A) that may assist States, local governments, and tribal governments in paying the direct costs of the Federal intergovernmental mandates.

(4) INFORMATION REGARDING PREEMPTION.—When a committee of authorization of the House of Representatives or the Senate reports a bill or joint resolution of a public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on whether the bill or joint resolution, in whole or in part, is intended to preempt any State, local, or tribal law, and if so, an explanation of the reasons for such intention.

(c) PUBLICATION OF STATEMENT FROM THE DIRECTOR.—

(1) *IN GENERAL.*—Upon receiving a statement (including any supplemental statement) from the Director pursuant to section 424(a), a committee of the House of Representatives or the Senate shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available to be included in the printed report.

(2) *OTHER PUBLICATION OF STATEMENT OF DIRECTOR.*—If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the House of Representatives or the Senate before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

SEC. 424. DUTIES OF THE DIRECTOR.

(a) *STATEMENTS ON BILLS AND JOINT RESOLUTIONS OTHER THAN APPROPRIATIONS BILLS AND JOINT RESOLUTIONS.*—

(1) *FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND RESOLUTIONS.*—For each bill or joint resolution of a public character reported by any committee of authorization of the House of Representatives or the Senate, the Director shall prepare and submit to the committee a statement as follows:

(A) If the Director estimates that the direct cost of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed \$50,000,000 (adjusted annually for inflation) in the fiscal year in which such a Federal intergovernmental mandate (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

(B) The estimate required by subparagraph (A) shall include estimates (and brief explanations of the basis of the estimates) of—

(i) the total amount of direct cost of complying with the Federal intergovernmental mandates in the bill or joint resolution; and

(ii) the amount, if any, of increase in authorization of appropriations or budget authority or entitlement authority under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by States, local governments, or tribal governments for activities subject to the Federal intergovernmental mandates.

(2) *FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.*—For each bill or joint resolution of a public character reported by any committee of authorization of the House of Representatives or the Senate, the Director shall prepare and submit to the committee a statement as follows:

(A) If the Director estimates that the direct cost of all Federal private sector mandates in the bill or joint resolution will equal or exceed \$100,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal pri-

vate sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

(B) The estimate required by subparagraph (A) shall include estimates (and brief explanations of the basis of the estimates) of—

(i) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution; and

(ii) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution usable by the private sector for the activities subject to the Federal private sector mandates.

(C) If the Director determines that it is not feasible to make a reasonable estimate that would be required under subparagraphs (A) and (B), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement.

(3) *LEGISLATION FALLING BELOW THE DIRECT COSTS THRESHOLDS.*—If the Director estimates that the direct costs of a Federal mandate will not equal or exceed the threshold specified in paragraph (1)(A) or (2)(A), the Director shall so state and shall briefly explain the basis of the estimate.

(4) *AMENDED BILLS AND JOINT RESOLUTIONS; CONFERENCE REPORTS.*—If the Director has prepared the statement pursuant to subsection (a) for a bill or joint resolution, and if that bill or joint resolution is reported or passed in an amended form (including if passed by one House as an amendment in the nature of a substitute for the text of a bill or joint resolution from the other House) or is reported by a committee of conference in an amended form, the committee of conference shall ensure, to the greatest extent practicable, that the Director shall prepare a supplemental statement for the bill or joint resolution in that amended form.

(b) *ASSISTANCE TO COMMITTEES AND STUDIES.*—

(1) *IN GENERAL.*—At the request of any committee of the House of Representatives or of the Senate, the Director shall, to the extent practicable, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

(A) a significant budgetary impact on State, local, or tribal governments; or

(B) a significant financial impact on the private sector.

(2) *CONTINUING STUDIES.*—The Director shall conduct continuing studies to enhance comparisons of budget outlays, credit authority, and tax expenditures.

(3) *FEDERAL MANDATE STUDIES.*—

(A) *At the request of any committee of the House of Representatives or the Senate, the Director shall, to the extent practicable, conduct a study of a legislative proposal containing a Federal mandate.*

(B) *In conducting a study under subparagraph (A), the Director shall—*

(i) solicit and consider information or comments from elected officials (including their designated representatives) of States, local governments, tribal governments, designated representatives of the private sector, and such other persons as may provide helpful information or comments;

(ii) consider establishing advisory panels of elected officials (including their designated representatives) of States, local governments, tribal governments, designated representatives of the private sector, and other persons if the Director determines, in the Director's discretion, that such advisory panels would be helpful in performing the Director's responsibilities under this section; and

(iii) include estimates, if and to the extent that the Director determines that accurate estimates are reasonably feasible, of—

(I) the future direct cost of the Federal mandates concerned to the extent that they significantly differ from or extend beyond the 5-year period after the mandate is first effective; and

(II) any disproportionate budgetary effects of the Federal mandates concerned upon particular industries or sectors of the economy, States, regions, and urban, or rural or other types of communities, as appropriate.

(C) *In conducting a study on private sector mandates under subparagraph (A), the Director shall provide estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—*

(i) future costs of Federal private sector mandates to the extent that such mandates differ significantly from or extend beyond the 5-year period referred to in subparagraph (B)(iii)(I);

(ii) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon any particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

(iii) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services.

(c) *VIEWS AND ESTIMATES OF COMMITTEES.—Any committee of the House of Representatives or the Senate that anticipates that it will*

consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on any State, local, or tribal government, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall include that information in its views and estimates on that proposal to the Committee on the Budget of the applicable House pursuant to section 301(d).

(d) *VIEWS OF COMMITTEES.*—Any committee of the House of Representatives or the Senate which anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on the States, local governments, or tribal governments, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall provide its views and estimates on such proposal to the Committee on the Budget of its House.

(e) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to the Congressional Budget Office to carry out this part \$4,500,000 for each of fiscal years 1996 through 2002.

SEC. 425. POINT OF ORDER.

(a) *IN GENERAL.*—It shall not be in order in the House of Representatives or the Senate to consider—

(1) any bill or joint resolution that is reported by a committee unless the committee has published the statement of the Director pursuant to section 424(a) prior to such consideration, except that this paragraph shall not apply to any supplemental statement prepared by the Director under section 424(a)(4); or

(2) any bill, joint resolution, amendment, motion, or conference report that contains a Federal intergovernmental mandate having direct costs that exceed the threshold specified in section 424(a)(1)(A), or that would cause the direct costs of any other Federal intergovernmental mandate to exceed the threshold specified in section 424(a)(1)(A), unless—

(A) the bill, joint resolution, amendment, motion, or conference report provides new budget authority or new entitlement authority in the House of Representatives or direct spending authority in the Senate for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount that equals or exceeds the estimated direct costs of such mandate; or

(B) the bill, joint resolution, amendment, motion, or conference report provides an increase in receipts or a decrease in new budget authority or new entitlement authority in the House of Representatives or direct spending authority in the Senate and an increase in new budget authority or new entitlement authority in the House of Representatives or an increase in direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount that equals or exceeds the estimated direct costs of such mandate; or

(C) the bill, joint resolution, amendment, motion, or conference report—

(i) provides that—

(I) such mandate shall be effective for any fiscal year only if all direct costs of such mandate in the fiscal year are provided in appropriations Acts, and

(II) in the case of such a mandate contained in the bill, joint resolution, amendment, motion, or conference report, the mandate is repealed effective on the first day of any fiscal year for which all direct costs of such mandate are not provided in appropriations Acts; or

(ii) requires a Federal agency to reduce programmatic and financial responsibilities of State, local, and tribal governments for meeting the objectives of the mandate such that the estimated direct costs of the mandate to such governments do not exceed the amount of Federal funding provided to those governments to carry out the mandate in the form of appropriations or new budget authority or new entitlement authority in the House of Representatives or direct spending authority in the Senate, and establishes criteria and procedures for that reduction.

(b) **LIMITATION ON APPLICATION TO APPROPRIATIONS BILLS.**—Subsection (a) shall not apply to a bill that is reported by the Committee on Appropriations or an amendment thereto.

(c) **DETERMINATION OF DIRECT COSTS BASED ON ESTIMATES BY BUDGET COMMITTEES.**—For the purposes of this section, the amount of direct costs of a Federal mandate for a fiscal year shall be determined based on estimates made by the Committee on the Budget, in consultation with the Director, of the House of Representatives or the Senate, as the case may be.

(d) **DETERMINATION OF EXISTENCE OF FEDERAL MANDATE BY GOVERNMENT REFORM AND OVERSIGHT AND GOVERNMENTAL AFFAIRS COMMITTEES.**—For the purposes of this section, the Committee on Government Reform and Oversight of the House of Representatives or the Committee on Governmental Affairs of the Senate, as applicable, shall have the authority to make final determinations of whether a bill, joint resolution, amendment, motion, or conference report contains a Federal intergovernmental mandate.

SEC. 426. ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.

It shall not be in order in the House of Representatives to consider a rule or order that waives the application of section 425(a) to a bill or joint resolution reported by a committee of authorization.

* * * * *

**STATE AND LOCAL GOVERNMENT COST ESTIMATE ACT
OF 1981**

AN ACT To amend the Congressional Budget Act of 1974 to require the Congressional Budget Office, for every significant bill or resolution reported in the House or the Senate, to prepare and submit an estimate of the cost which would be incurred by State and local governments in carrying out or complying with such bill or resolution.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That this Act may be cited as the "State and Local Government Cost Estimate Act of 1981".

[SEC. 2. (a) Section 403 of the Congressional Budget Act of 1974 is amended—

[(1) by inserting "(a)" before "The";

[(2) by striking out "and" after the semicolon in clause (1) of subsection (a) (as redesignated by clause (1) of this subsection);

[(3) by inserting after clause (1) the following new clause:

["(2) an estimate of the cost which would be incurred by State and local governments in carrying out or complying with any significant bill or resolution in the fiscal year in which it is to become effective and in each of the four fiscal years following such fiscal year, together with the basis for each such estimate; and";

[(4) by redesignating clause (2) of such subsection as clause (3);

[(5) by striking out "(1)" in clause (3) of subsection (a) (as redesignated by clauses (1) and (4) of this subsection) and inserting in lieu thereof "(1) and (2)";

[(6) by striking out "estimate" each place it appears in clause (3) of subsection (a) and in the last sentence of such subsection, and inserting in lieu thereof "estimates"; and

[(7) by inserting at the end thereof the following new subsections;

["(b) For purposes of subsection (a)(2), the term 'local government' has the same meaning as in section 103 of the Intergovernmental Cooperation Act of 1968.

["(c) For purposes of subsection (a)(2), the term 'significant bill or resolution' is defined as any bill or resolution which in the judgment of the Director of the Congressional Budget Office is likely to result in an annual cost to State and local governments of \$200,000,000 or more, or is likely to have exceptional fiscal consequences for a geographic region or a particular level of government.".

[(b) The amendments made by subsection (a) shall apply with respect to bills or resolutions reported by committees of the House of Representatives and the Senate after September 30, 1982.

[SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out this Act.]

COMMITTEE ON GOVERNMENT REFORM & OVERSIGHT
104TH CONGRESS
ROLL CALL

NO. Amendment # 1 DATE 1/10/95

ACTION Amendment in the Nature of a Substitute to H.R. 5 OFFERED BY: Mr. Moran

Defeated by Roll Call

VOICE VOTE: AYES NAYS

MR. CLINGER (CHAIRMAN)	X		MS. COLLINS - IL.	X	
MR. GELMAN	X		MR. WAXMAN	X	
MR. BURTON	X		MR. LANTOS		
MS. MORELLA	X		MR. WISE		
MR. SHAYS	X		MR. OWENS		
MR. SCHIFF	X		MR. TOWNS		X
MS. ROS-LEHTINEN	X		MR. SPRATT	X	
MR. ZELIFF	X		MS. SLAUGHTER	X	
MR. McHUGH	X		MR. KANPORSKI	X	
MR. HORN	X		MR. CONDIT		X
MR. MICA	X		MR. PETERS	X	
MR. BLUTE	X		MR. SANDERS		X
MR. DAVIS III	X		MS. THURMAN		X
MR. McINTOSH	X		MR. MALONEY		X
MR. FOX	X		MR. BARRETT		X
MR. TATE	X		MR. TAYLOR	X	
MR. CHRYSLER	X		MS. COLLINS - MI		
MR. GUTKNECHT	X		MS. NORTON	X	
MR. SOUDER	X		MR. MORAN	X	
MR. MARTINI	X		MR. GREEN	X	
MR. SCARBOROUGH	X		MR. MEEK	X	
MR. SHADEGG	X		MR. MASCARA	X	
MR. FLANAGAN	X		MR. FATTAH	X	
MR. BASS	X				
MR. LaTOURETTE	X				
MR. SANFORD	X				
MR. EHRLICH, JR.	X				

Totals: Aye 13 No 29 Answer Present 47

COMMITTEE ON GOVERNMENT REFORM & OVERSIGHT
104TH CONGRESS
ROLL CALL

NO. Amendment # 2

DATE 1/10/95

OFFICE: Page 3, line 25, after the semicolon strike "and".
Page 4, strike the period at line 4 and insert ";

OFFERED BY: Mr. Horn

Passed by Voice Vote

VOICE VOTE: X AYES NAYS

MR. CLINGER (CHAIRMAN)				MS. COLLINS - IL.			
MR. GILMAN				MR. WAXMAN			
MR. BURTON				MR. LANTOS			
MS. MORELLA				MR. WISE			
MR. SHAYS				MR. OWENS			
MR. SCHIFF				MR. TOWNS			
MS. ROS-LEHTINEN				MR. SPRATT			
MR. ZELIFF				MS. SLAUGHTER			
MR. McHUGH				MR. KANJORSKI			
MR. HORN				MR. CONDIT			
MR. MICA				MR. PETERSON			
MR. BLUTE				MR. SANDERS			
MR. DAVIS III				MS. THURMAN			
MR. McINTOSH				MS. MALONEY			
MR. FOX				MR. BARRETT			
MR. TATE				MR. TAYLOR			
MR. CHRYSLER				MS. COLLINS - MI			
MR. GUTKNECHT				MS. NORTON			
MR. SOUDER				MR. MORAN			
MR. MARTINI				MR. GREEN			
MR. SCARBOROUGH				MS. MEEK			
MR. SHADEGG				MR. MASARA			
MR. FLANAGAN				MR. FATTAH			
MR. BASS							
MR. LaTOURETTE							
MR. SANFORD							
MR. EBELICH, JR.							

Totals: Aye ___ No ___ Answer Present ___

COMMITTEE ON GOVERNMENT REFORM & OVERSIGHT
104TH CONGRESS
ROEL CALL

NO. Amendment # 3 DATE 1/10/95

DESCRIPTION: Page 5, strike "or" after the semicolon on line 11, strike the period on 14 insert "; or", and after OFFERED BY: Mr. Sanders

Defeated by Roll Call

VOICE VOTE: AYES NAYS

MR. CLINGER (CHAIRMAN)	X	MS. COLLINS - FL.	X
MR. GILMAN	X	MR. WAXMAN	X
MR. BURTON	X	MR. LANTOS	
MS. MORELLA	X	MR. WISE	
MR. SHAYS	X	MR. OWENS	
MR. SCHIFF	X	MR. TOWNS	X
MS. ROS-LEHTINEN	X	MR. SPRATT	X
MR. ZELIFF	X	MS. SLAUGHTER	X
MR. McHUGH	X	MR. KANDORSKI	X
MR. HORN	X	MR. CONDIT	X
MR. MICA	X	MR. PETERSON	X
MR. BLUTE	X	MR. SANDERS	X
MR. DAVIS III	X	MS. THURMAN	X
MR. McINTOSH	X	MS. MALONEY	X
MR. FOX	X	MR. BARNETT	X
MR. TATE	X	MR. TAYLOR	X
MR. CHRYSLER		MS. COLLINS - MI	
MR. GUTKNECHT	X	MS. NORTON	
MR. SOUDER		MR. MORAN	
MR. MARTINI	X	MR. GREEN	X
MR. SCARBOROUGH	X	MS. MEEK	X
MR. SHADEGG	X	MR. MASCARA	X
MR. FLANAGAN	X	MR. FATTAH	X
MR. BASS	X		
MR. L'TOURETTE	X		
MR. SANFORD	X		
MR. EHRlich, JR.	X		

Totals: Aye 14 No 28 Answer Present 42

COMMITTEE ON GOVERNMENT REFORM & OVERSIGHT
104TH CONGRESS
ROLL CALL

NO. Amendment # 4

DATE 1/10/95

SECTION: Section 4: Generally Applicable Health and Environmental Standards

OFFERED BY: Mr. Waxman

VOICE VOTE: AYES NAYS

Defeated by Roll Call

MR. CLINGER (CHAIRMAN)	X		MS. COLLENS - IL.	X		
MR. GILMAN	X		MR. WAXMAN	X		
MR. BURTON	X		MR. LANTOS			
MS. MORELLA	X		MR. WISE	X		
MR. SHAYS	X		MR. OWENS	X		
MR. SCHIFF	X		MR. TOWNS			
MS. ROS-LEHTINEN	X		MR. SPRATT	X		
MR. ZELIFF	X		MS. SLAUGHTER	X		
MR. McHUGH	X		MR. KANJORSKI	X		
MR. HORN	X		MR. CONDIT		X	
R. MICA	X		MR. PETERSON		X	
MR. BLUTE	X		MR. SANDERS			
MR. DAVIS III	X		MS. THURMAN	X		
MR. McINTOSH	X		MS. MALONEY	X		
MR. FOX	X		MR. BARRETT	X		
MR. TATE	X		MR. TAYLOR	X		
MR. CHRYSLER			MS. COLLINS - MI			
MR. GUTKNECHT	X		MS. NORTON	X		
MR. SOUDER			MR. MORAN		X	
MR. MARTINI	X		MR. GREEN	X		
MR. SCARBOROUGH	X		MS. MEEK	X		
MR. SHADEGG	X		MR. MASCARA	X		
MR. FLANAGAN	X		MR. FATTAH	X		
MR. BASS	X					
MR. LaTOURETTE	X					
R. SANFORD	X					
MR. EHRlich, JR.	X					

Totals: Aye 16 No 30 Answer Present 46

COMMITTEE ON GOVERNMENT REFORM & OVERSIGHT
104TH CONGRESS
ROLL CALL

NO. Amendment # 5

DATE 1/10/95

TITLE: Airport Security

OFFERED BY: Mrs. Collins

Defeated by Voice Vote

VOICE VOTE: AYES X NAYS

MR. CLINGER (CHAIRMAN)				MS. COLLINS - IL.			
MR. GILMAN				MR. WAXMAN			
MR. BURTON				MR. LANTOS			
MS. MORELLA				MR. WISE			
MR. SHAYS				MR. OWENS			
MR. SCHIFF				MR. TOWNS			
MS. ROS-LEHTINEN				MR. SPRATT			
MR. ZELIFF				MS. SLAUGHTER			
MR. McHUGH				MR. KANJORSKI			
MR. HORN				MR. CONDIT			
MR. MICA				MR. PETERSON			
MR. BLUTE				MR. SANDERS			
MR. DAVIS III				MS. THURMAN			
MR. McINTOSH				MS. MALONEY			
MR. FOX				MR. BARRETT			
MR. TATE				MR. TAYLOR			
MR. CHRYSLER				MS. COLLINS - MI			
MR. GUTKNECHT				MS. NORTON			
MR. SOUDER				MR. MORAN			
MR. MARTINI				MR. GREEN			
MR. SCARBOROUGH				MS. MEEK			
MR. SHADEGG				MR. MASCARA			
MR. FLANAGAN				MR. FATTAH			
MR. BASS							
MR. LaTOURETTE							
MR. SANFORD							
MR. EHRlich, JR.							

Totals: Aye ___ No ___ Answer Present ___

COMMITTEE ON GOVERNMENT REFORM & OVERSIGHT
104TH CONGRESS
ROLL CALL

NO. Amendment # 6

DATE 1/10/95

Amend page 5, strike "or" after the semicolon at line 11,

OFFERED BY: Ms. Maloney

Defeated by Roll Call

VOICE VOTE: AYES NAYS

MR. CLINGER (CHAIRMAN)	X		MS. COLLINS - IL.	X	
MR. GILMAN	X		MR. WAXMAN	X	
MR. BURTON	X		MR. LANTOS		
MS. MORELLA	X		MR. WISE	X	
MR. SHAYS	X		MR. OWENS	X	
MR. SCHIFF	X		MR. TOWNS		
MS. ROS-LEHTINEN	X		MR. SPRATT		
MR. ZELIFF			MS. SLAUGHTER	X	
MR. McHUGH	X		MR. KANJORSKI	X	
MR. HORN	X		MR. CONDIT		
'R. MICA	X		MR. PETERSON		
MR. BLUTE	X		MR. SANDERS		
MR. DAVIS III	X		MS. THURMAN		
MR. McINTOSH			MS. MALONEY	X	
MR. FOX	X		MR. BARRETT	X	
MR. TATE	X		MR. TAYLOR		X
MR. CHRYSLER	X		MS. COLLINS - MI		
MR. GUTKNECHT	X		MS. NORTON	X	
MR. SOUDER			MR. MORAN	X	
MR. MARTINI	X		MR. GREEN	X	
MR. SCARBOROUGH	X		MS. MEEK	X	
MR. SHADEGG	X		MR. MASCARA	X	
MR. FLANAGAN			MR. FATTAH	X	
MR. BASS					
MR. LaTOURETTE	X				
'R. SANFORD	X				
MR. EHRLICH, JR.					

Totals: Aye 14 No 22 Answer Present 36

COMMITTEE ON GOVERNMENT REFORM & OVERSIGHT
104TH CONGRESS
ROLL CALL

NO. Amendment # 7 DATE 1/10/95

ACTION: En Bloc Amendments to H.R. 5 OFFERED BY: Mrs. Collins - IL
page 5, strike "or" after the semicolon at line 11, VOICE VOTE: AYES X NAYS
Defeated by Voice Vote

MR. CLINGER (CHAIRMAN)				MS. COLLINS - IL.			
MR. GILMAN				MR. WAXMAN			
MR. BURTON				MR. LANTOS			
MS. MORELLA				MR. WISE			
MR. SHAYS				MR. OWENS			
MR. SCHIFF				MR. TOWNS			
MS. ROS-LEHTINEN				MR. SPRATT			
MR. ZELIFF				MS. SLAUGHTER			
MR. McHUGH				MR. KANJORSKI			
MR. HORN				MR. CONDIT			
MR. MICA				MR. PETERSON			
MR. BLUTE				MR. SANDERS			
MR. DAVIS III				MS. THURMAN			
MR. McINTOSH				MS. MALONEY			
MR. FOX				MR. BARRETT			
MR. TATE				MR. TAYLOR			
MR. CHRYSLER				MS. COLLINS - MI			
MR. GUTKNECHT				MS. NORTON			
MR. SOUDER				MR. MORAN			
MR. MARTINI				MR. GREEN			
MR. SCARBOROUGH				MS. MEEK			
MR. SHADEGG				MR. MASCARA			
MR. FLANAGAN				MR. FATTAH			
MR. BASS							
MR. LaTOURETTE							
MR. SANFORD							
MR. EHRlich, JR.							

Totals: Aye ___ No ___ Answer Present ___

COMMITTEE ON GOVERNMENT REFORM & OVERSIGHT
104TH CONGRESS
ROLL CALL

NO. Amendment # 8 DATE 1/10/95

TITLE: Social Security

OFFERED BY: Mr. Kanjorski

VOICE VOTE: AYES X NAYS

Passed by Roll Call

MR. CLINGER (CHAIRMAN)	X		MS. COLLINS - IL.	X	
MR. GILMAN			MR. WAXMAN	X	
MR. BURTON	X		MR. LANTOS		
MS. MORELLA	X		MR. WISE	X	
MR. SHAYS		X	MR. OWENS		
MR. SCHIFF		X	MR. TOWNS		
MS. ROS-LEHTINEN	X		MR. SPRATT	X	
MR. ZELIFF	X		MS. SLAUGHTER	X	
MR. McHUGH	X		MR. KANJORSKI	X	
MR. HORN	X		MR. CONDIT	X	
R. MICA	X		MR. PETERSON	X	
MR. BLUTE	X		MR. SANDERS		
MR. DAVIS III	X		MS. THURMAN	X	
MR. McINTOSH	X		MS. MALONEY	X	
MR. FOX	X		MR. BARRETT	X	
MR. TATE	X		MR. TAYLOR	X	
MR. CHRYSLER	X		MS. COLLINS - MI		
MR. GUTKNECHT		X	MS. NORTON	X	
MR. SOUDER	X		MR. MORAN	X	
MR. MARTINI	X		MR. GREEN	X	
MR. SCARBOROUGH	X		MS. MEEK	X	
MR. SHADDEG	X		MR. MASCARA	X	
MR. FLANAGAN			MR. FATTAH	X	
MR. BASS	X				
MR. LaTOURETTE	X				
MR. SANFORD	X				
MR. EHRLICH, JR.	X				

Totals: Aye 39 No 3 Answer Present 42

COMMITTEE ON GOVERNMENT REFORM & OVERSIGHT
194TH CONGRESS
ROLL CALL

NO. Amendment # 2

DATE 1/10/95

DESCRIPTION: (7) Requires the application of penalties, sanctions, or sentences for criminal acts

OFFERED BY: Mr. Barrett

Defeated by Roll Call

VOICE VOTE: AYES NAYS

MR. CLINGER	CHAIRMAN	X		MS. COLLINS - IL.	X		
MR. GILMAN		X		MR. WAXMAN	X		
MR. BURTON		X		MR. LANTOS			
MS. MORELLA		X		MR. WISE	X		
MR. SHAYS		X		MR. OWENS			
MR. SCHIFF		X		MR. TOWNS			
MS. ROS-LEHTINEN		X		MR. SPRATT	X		
MR. ZELIFF		X		MS. SLAUGHTER	X		
MR. McHUGH		X		MR. KANJORSKI	X		
MR. HORN		X		MR. CONDT		X	
R. MICA		X		MR. PETERSON		X	
MR. BLUTE				MR. SANDERS			
MR. DAVIS III		X		MS. THURMAN	X		
MR. McDINTOSH		X		MS. MALONEY	X		
MR. FOX		X		MR. BARRETT	X		
MR. TATE		X		MR. TAYLOR	X		
MR. CHRYSLER		X		MS. COLLINS - MI			
MR. GUTKNECHT		XX		MS. NORTON	X		
MR. SOUDER		X		MR. MORAN		X	
MR. MARTINI		X		MR. GREEN	X		
MR. SCARBOROUGH		X		MS. MEEK	X		
MR. SHADEGG		X		MR. MASCARA	X		
MR. FLANAGAN				MR. FATTAH	X		
MR. BASS		X					
MR. LaTOURETTE		X					
R. SANFORD		X					
MR. EHRlich, JR.		X					

Totals: Aye 15 No 28 Answer Present 43

COMMITTEE ON GOVERNMENT REFORM & OVERSIGHT
104TH CONGRESS
ROLL CALL

NO. Amendment # 10

DATE 1/10/95

ARTICLE: Regulate health care providers and facilities any payments made to providers under Medicare, Medicaid, other federal health care programs. OFFERED BY: Mr. Spratt

Defeated by Roll Call

VOICE VOTE: AYES NAYS

MR. CLINGER (CHAIRMAN)	X	MS. COLLINS - IL.	X
MR. GILMAN	X	MR. WAXMAN	X
MR. BURTON	X	MR. LANTOS	
MS. MORELLA	X	MR. WISE	X
MR. SHAYS	X	MR. OWENS	
MR. SCHIFF	X	MR. TOWNS	
MS. ROS-LEHTINEN	X	MR. SPRATT	X
MR. ZELIFF	X	MS. SLAUGHTER	X
MR. McHUGH	X	MR. KANORSKI	X
MR. HORN	X	MR. CONDIT	X
MR. MICA	X	MR. PETERSON	X
MR. BLUTE	X	MR. SANDERS	X
MR. DAVIS III	X	MS. THURMAN	X
MR. McINTOSH	X	MS. MALONEY	X
MR. FOX	X	MR. BARRETT	X
MR. TATE	X	MR. TAYLOR	X
MR. CHRYSLER	X	MS. COLLINS - MI	
MR. GUTKNECHT	X	MS. NORTON	
MR. SOUDER	X	MR. MORAN	X
MR. MARTINI	X	MR. GREEN	X
MR. SCARBOROUGH	X	MS. MEEK	X
MR. SHADEGG	X	MR. MASCARA	X
MR. FLANAGAN	X	MR. FATTAH	X
MR. BASS	X		
MR. LATOURETTE	X		
MR. SANFORD	X		
MR. EHRLICH, JR.	X		

Totals: Aye 16 No 29 Answer Present 45

COMMITTEE ON GOVERNMENT REFORM & OVERSIGHT
104TH CONGRESS
ROLL CALL

NO. Amendment # 11

DATE 1/10/95

ACTION: Strike Title I

OFFERED BY: Ms. Meek

Defeated by Roll Call

VOICE VOTE: AYES NAYS

MR. CLINGER	X		MS. COLLINS - IL.	X	
MR. GILMAN	X		MR. WAXMAN	X	
MR. BURTON	X		MR. LANKOS		
MS. MORELLA	X		MR. WISE	X	
MR. SHAYS	X		MR. OWENS		
MR. SCHIFF	X		MR. TOWNS		
MS. ROS-LEHTINEN	X		MR. SPRATT		X
MR. ZELIFF	X		MS. SLAUGHTER	X	
MR. McHUGH	X		MR. KAMORSKI	X	
MR. HORN	X		MR. CONDT		X
R. MICA	X		MR. PETERSON		X
MR. BLUTE	X		MR. SANDERS	X	
MR. DAVIS III	X		MS. THURMAN	X	
MR. McINTOSH	X		MS. MALONEY	X	
MR. FOX	X		MR. BARRETT	X	
MR. TATE	X		MR. TAYLOR		X
MR. CHRYSLER	X		MS. COLLINS - MI		
MR. GUTKNECHT	X		MS. NORTON		
MR. SOUDER	X		MR. MORAN		X
MR. MARTINI	X		MR. GREEN	X	
MR. SCARBOROUGH	X		MS. MEEK	X	
MR. SHADEGG	X		MR. MASCARA	X	
MR. FLANAGAN	X		MR. FATTAH		X
MR. BASS					
MR. LeTOURETTE	X				
R. SANFORD	X				
MR. EHRlich, JR.	X				

Totals: Aye 12 No 32 Answer Present 44

COMMITTEE ON GOVERNMENT REFORM & OVERSIGHT
104TH CONGRESS
ROLL CALL

NO. Amendment # 12

DATE 1/10/95

ARTICLE SECTION 103: Commission on Unfunded Mandates

OFFERED BY: Mr. Waxman

Defeated by Roll Call

VOICE VOTE: AYES NAYS

MR. CLINGER <small>(CHAIRMAN)</small>		X	MS. COLLINS - IL.	X		
MR. GILMAN		X	MR. WAXMAN	X		
MR. BURTON		X	MR. LANTOS			
MS. MORELLA		X	MR. WISE	X		
MR. SHAYS		X	MR. OWENS			
MR. SCHIFF	X		MR. TOWNS			
MS. ROS-LEHTINEN		X	MR. SPRATT	X		
MR. ZELIFF		X	MS. SLAUGHTER	X		
MR. McHUGH		X	MR. KANJORSKI	X		
MR. HORN		X	MR. CONDIT	X		
MR. MICA		X	MR. PETERSON	X		
MR. BLUTE		X	MR. SANDERS	X		
MR. DAVIS III	X		MS. THURMAN	X		
MR. McINTOSH		X	MS. MALONEY	X		
MR. FOX		X	MR. BARRETT	X		
MR. TATE		X	MR. TAYLOR	X		
MR. CHRYSLER		X	MS. COLLINS - MI			
MR. GUTKNECHT	X		MS. NORTON	X		
MR. SOUDER		X	MR. MORAN	X		
MR. MARTINI		X	MR. GREEN	X		
MR. SCARBOROUGH		X	MS. MEEK			
MR. SHADEGG		X	MR. MASCARA	X		
MR. FLANAGAN		X	MR. FATTAH	X		
MR. BASS						
MR. LaTOURETTE		X				
MR. SANFORD		X				
MR. EHRLICH, JR.		X				

Totals: Aye 21 No 23 Answer Present 44

COMMITTEE ON GOVERNMENT REFORM & OVERSIGHT
104TH CONGRESS
ROLL CALL

NO. Amendment # 13 DATE 1/10/95

SECTION Page 15, line 11, after "statute or regulation" insert
"or any Federal court ruling".

OFFERED BY: Mr. Horn

Passed by Voice Vote

VOICE VOTE: X AYES NAYS

MR. CLINGER				MS. COLLINS - IL.			
MR. GILMAN				MR. WAXMAN			
MR. BURTON				MR. LANTOS			
MS. MORELLA				MR. WISE			
MR. SHAYS				MR. OWENS			
MR. SCHIFF				MR. TOWNS			
MS. ROS-LEHTINEN				MR. SPRATT			
MR. ZELIEF				MS. SLAUGHTER			
MR. McHUGH				MR. KANJORSKI			
MR. HORN				MR. CONDIT			
MR. MICA				MR. PETERSON			
MR. BLUTE				MR. SANDERS			
MR. DAVIS III				MS. THURMAN			
MR. McINTOSH				MS. MALONEY			
MR. FOX				MR. BARRETT			
MR. TATE				MR. TAYLOR			
MR. CHRYSLER				MS. COLLINS - MI			
MR. GUTKNECHT				MS. NORTON			
MR. SOUDER				MR. MORAN			
MR. MARTINI				MR. GREEN			
MR. SCARBOROUGH				MS. MEEK			
MR. SHADEGG				MR. MASCARA			
MR. FLANAGAN				MR. FATTAH			
MR. BASS							
MR. LaTOURETTE							
MR. SANFORD							
MR. EHRlich, JR.							

Totals: Aye ___ No ___ Answer Present ___

COMMITTEE ON GOVERNMENT REFORM & OVERSIGHT
104TH CONGRESS
ROLL CALL

NO. Amendment # 14

DATE 1/10/95

OFFERED BY: SECTION 205. ANNUAL REPORT TO CONGRESS REGARDING FEDERAL COURT RULINGS.

OFFERED BY: Mr. Horn

VOICE VOTE: X AYES NAYS

Passed by Voice Vote

MR. CLINGER (CHAIRMAN)				MS. COLLINS - IL			
MR. GILMAN				MR. WADSWAN			
MR. BURTON				MR. LANTOS			
MS. MORELLA				MR. WISE			
MR. SHAYS				MR. OWENS			
MR. SCHIFF				MR. TOWNS			
MS. ROS-LEHTINEN				MR. SPRATT			
MR. ZELIFF				MS. SLAUGHTER			
MR. McHUGH				MR. KANJORSKI			
MR. HORN				MR. CONDY			
R. MICA				MR. PETERSON			
MR. BLUTE				MR. SANDERS			
MR. DAVIS III				MS. THURMAN			
MR. McDINTOSH				MS. MALONEY			
MR. FOX				MR. BARRETT			
MR. TATE				MR. TAYLOR			
MR. CHRYSLER				MS. COLLINS - MI			
MR. GUTKNECHT				MS. NORTON			
MR. SOUDER				MR. MORAN			
MR. MARTINI				MR. GREEN			
MR. SCARBOROUGH				MS. MEEK			
MR. SHADEGG				MR. MASCARA			
MR. FLANAGAN				MR. FATTAH			
MR. BASS							
MR. LaTOURETTE							
R. SANFORD							
MR. EHRlich, JR.							

Totals: Aye ___ No ___ Answer Present ___

COMMITTEE ON GOVERNMENT REFORM & OVERSIGHT
104TH CONGRESS
ROLL CALL

NO. Amendment # 14

DATE 1/10/95

SECTION: JUDICIAL REVIEW

OFFERED BY: Mr. Waxman

Defeated by Roll Call

VOICE VOTE: AYES NAYS

MR. CLINGER (CHAIRMAN)	X		MS. COLLINS - IL.	X	
MR. GILMAN	X		MR. WAXMAN	X	
MR. BURTON	X		MR. LANTOS		
MS. MORELLA	X		MR. WISE	X	
MR. SHAYS	X		MR. OWENS	X	
MR. SCHIFF	X		MR. TOWNS		
MS. ROS-LEHTINEN	X		MR. SPRATT	X	
MR. ZELIFF	X		MS. SLAUGHTER	X	
MR. McHUGH			MR. KANJORSKI	X	
MR. HORN	X		MR. CONDIT		X
MR. MICA	X		MR. PETERSON		X
MR. BLUTE	X		MR. SANDERS	X	
MR. DAVIS III	X		MS. THURMAN	X	
MR. McINTOSH	X		MS. MALONEY	X	
MR. FOX	X		MR. BARRETT	X	
MR. TATE	X		MR. TAYLOR	X	
MR. CHRYSLER	X		MS. COLLINS - MI		
MR. GUTKNECHT	X		MS. NORTON	X	
MR. SOUDER	X		MR. MORAN	X	
MR. MARTINI	X		MR. GREEN	X	
MR. SCARBOROUGH	X		MS. MEEK		
MR. SHADEGG	X		MR. MASCARA	X	
MR. FLANAGAN	X		MR. FATTAH	X	
MR. BASS					
MR. LaTOURETTE	X				
MR. SANFORD	X				
MR. EHRlich, JR.	X				

Totals: Aye 17 No 27 Answer Present 44

COMMITTEE ON GOVERNMENT REFORM & OVERSIGHT
104TH CONGRESS
ROLL CALL

NO. Amendment # 16

DATE 1/10/95

SECTION: JUDICIAL REVIEW

OFFERED BY: Mr. Moran

Defeated by Roll Call

VOICE VOTE: AYES NAYS

MR. CLINGER, CHAIRMAN	X		MS. COLLINS - IL.	X		
MR. GILMAN	X		MR. WADSWAN	X		
MR. BURTON	X		MR. LANTOS			
MS. MORELLA	X		MR. WISE	X		
MR. SHAYS	X		MR. OWENS	X		
MR. SCHIFF	X		MR. TOWNS			
MS. ROS-LEHTINEN	X		MR. SPRATT	X		
MR. ZELIFF	X		MS. SLAUGHTER	X		
MR. McHUGH	X		MR. KANJORSKI	X		
MR. HORN	X		MR. CONDIT	X		
MR. MICA	X		MR. PETERSON	X		
MR. BLUTE	X		MR. SANDERS	X		
MR. DAVIS III	X		MS. THURMAN	X		
MR. McINTOSH	X		MS. MALONEY	X		
MR. FOX	X		MR. BARRETT	X		
MR. TATE	X		MR. TAYLOR	X		
MR. CHRYSLER	X		MS. COLLINS - MI			
MR. GUTKNECHT	X		MS. NORTON	X		
MR. SOUDER	X		MR. MORAN	X		
MR. MARTINI	X		MR. GREEN	X		
MR. SCARBOROUGH	X		MS. MEEK			
MR. SHADDEG	X		MR. MASCARA	X		
MR. FLANAGAN	X		MR. FATTAH	X		
MR. BASS						
MR. LaTOURETTE	X					
MR. SANFORD	X					
MR. EHRlich, JR.	X					

Totals: Aye 21 No 24 Answer Present 45

COMMITTEE ON GOVERNMENT REFORM & OVERSIGHT
104TH CONGRESS
ROLL CALL

NO. Amendment # 17 DATE 1/10/95
DESCRIPTION: Title IV - Sunset OFFERED BY: Mr. Kanjorski
SEC. 401 Termination Date VOICE VOTE: AYES X NAYS

Defeated by Voice Vote

MR. CLINGER <small>CHAIRMAN</small>				MS. COLLINS - IL			
MR. GILMAN				MR. WAXMAN			
MR. BURTON				MR. LANTOS			
MS. MORELLA				MR. WISE			
MR. SHAYS				MR. OWENS			
MR. SCHIFF				MR. TOWNS			
MS. ROS-LEHTINEN				MR. SPRATT			
MR. ZELIFF				MS. SLAUGHTER			
MR. McHUGH				MR. KANJORSKI			
MR. HORN				MR. CONDIT			
MR. MICA				MR. PETERSON			
MR. BLUTE				MR. SANDERS			
MR. DAVIS III				MS. THURMAN			
MR. McINTOSH				MS. MALONEY			
MR. FOX				MR. BARRETT			
MR. TATE				MR. TAYLOR			
MR. CHRYSLER				MS. COLLINS - MI			
MR. GUTKNECHT				MS. NORTON			
MR. SOUDER				MR. MORAN			
MR. MARTINI				MR. GREEN			
MR. SCARBOROUGH				MS. MEEK			
MR. SHADBOG				MR. MASCARA			
MR. FLANAGAN				MR. FATTAH			
MR. BASS							
MR. LaTOURETTE							
MR. SANFORD							
MR. EHRlich, JR.							

Totals: Aye _____ No _____ Answer Present _____

COMMITTEE ON GOVERNMENT REFORM & OVERSIGHT
104TH CONGRESS
ROLL CALL

NO. Amendment # 18

DATE 1/10/95

ARTICLE: Amendment in the Nature of a Substitute

OFFERED BY: Mr. Towns

Defeated by Roll Call

VOICE VOTE: AYES NAYS

MR. CLINGER (CHAIRMAN)	X	MS. COLLINS - IL.	X
MR. GILMAN	X	MR. WADSWORTH	X
MR. BURTON	X	MR. LAHTOS	
MS. MORELLA	X	MR. WISE	X
MR. SHAYS	X	MR. OWENS	X
MR. SCHIFF	X	MR. TOWNS	
MS. ROS-LEHTINEN	X	MR. SPRATT	X
MR. ZELIFF	X	MS. SLAUGHTER	X
MR. McHUGH	X	MR. KANJORSKI	X
MR. HORN	X	MR. CONDIT	X
MR. MICA	X	MR. PETERSON	X
MR. BLUTE	X	MR. SANDERS	X
MR. DAVIS III	X	MS. THURMAN	X
MR. McINTOSH	X	MS. MALONEY	X
MR. FOX	X	MR. BARRETT	X
MR. TATE	X	MR. TAYLOR	X
MR. CHRYSLER	X	MS. COLLINS - MI	
MR. GUTKNECHT	X	MS. NORTON	X
MR. SOUDER	X	MR. MORAN	
MR. MARTINI	X	MR. GREEN	X
MR. SCARBOROUGH	X	MS. MEEK	
MR. SHADEGG	X	MR. MASCARA	X
MR. FLANAGAN	X	MR. FATAH	X
MR. BASS	X		
MR. LaTOURETTE	X		
MR. SANFORD	X		
MR. EHRlich, JR.	X		

Totals: Aye 15 No 30 Answer Present 45

COMMITTEE ON GOVERNMENT REFORM & OVERSIGHT
104TH CONGRESS
ROLL CALL

NO. Final Passage on H.R. 5 DATE 1/10/95

DESCRIPTION _____ OFFERED BY: _____
VOICE VOTE: X AYES NAYS

Passed by Voice Vote the Final Passage of H.R. 5

MR. CLINGER (CHAIRMAN)				MS. COLLINS - IL.			
MR. GILMAN				MR. WAXMAN			
MR. BURTON				MR. LANTOS			
MS. MORELLA				MR. WISE			
MR. SHAYS				MR. OWENS			
MR. SCHIFF				MR. TOWNS			
MS. ROS-LEHTINEN				MR. SPRATT			
MR. ZELIFF				MS. SLAUGHTER			
MR. McHUGH				MR. KANJORSKI			
MR. HORN				MR. CONDIT			
MR. MICA				MR. PETERSON			
MR. BLUTE				MR. SANDERS			
MR. DAVIS III				MS. THURMAN			
MR. McINTOSH				MS. MALONEY			
MR. FOX				MR. BARRETT			
MR. TATE				MR. TAYLOR			
MR. CHRYSLER				MS. COLLINS - MI			
MR. GUTKNECHT				MS. NORTON			
MR. SOUDER				MR. MORAN			
MR. MARTINI				MR. GREEN			
MR. SCARBOROUGH				MS. MEEK			
MR. SHADEGG				MR. MASCARA			
MR. FLANAGAN				MR. FATTAH			
MR. BASS							
MR. LaTOURETTE							
MR. SANFORD							
MR. EHRlich, JR.							

Totals: Aye _____ No _____ Answer Present _____

MINORITY VIEWS

The Committee on Government Reform and Oversight met on Tuesday, January 10, for the purpose of organizing and marking up the H.R. 5, the Unfunded Mandate Reform Act of 1995. The Committee Report reflects the fact that the bill was reported by a voice vote.

However, the Report does not reflect many of the procedural and substantive problems that caused the bill to get only a cursory review in the Committee.

Many Democrats favor the concept of treading carefully in placing additional responsibilities on states and localities without providing full funding. In fact, in the 103rd Congress, the Committee on Government Operations reported a bill on unfunded mandates by a vote of 35-4. It was developed in a bipartisan fashion with the support of both the Chairman and Ranking Member of that committee, and every major organization representing state and local government.

The process by which the bill was considered in this Congress was the antithesis of last year's efforts. As will be discussed below, there were no public hearings on the bill. The bill was drafted in secret with no consultation with the minority. It was introduced on Wednesday, January 4, and available in print on Friday, January 6. The markup was held four days later.

The haste in which this bill was considered left a number of substantive issues unaddressed, which even the authors conceded at markup that they would like to address on the Floor.

Most importantly, a ruling from the Chairman in the middle of the markup prohibited Members from offering amendments to the operative sections of Title II and III, which are the heart of the bill. Those titles establish a point of order for bills containing an unfunded mandate, define what is an unfunded mandate, include provisions that would require agencies to reduce or eliminate enforcement of unfunded mandates without full Congressional appropriation of funds ("no money, no mandate"), establish the effective date of the statute, and place responsibilities upon agencies to identify regulatory costs.

In effect, all that the Committee on Government Reform and Oversight voted on was the establishment of a million dollar commission to study the costs of unfunded mandates. The remainder of the bill was left to the committees receiving a brief sequential referral: Rules, Budget, and Judiciary.

Before detailing the procedural and substantive issues raised at the markup, we want to establish a few points about unfunded mandates. First, we are keenly sensitive to the issue of unfunded mandates. Governors and mayors are rightfully concerned that efforts such as a balanced budget amendment and other more immediate efforts to reduce government spending not be a disguised ef-

fort to shift the costs of government programs to states and localities. We concur.

At the same time, we do not necessarily agree that many previously enacted laws that may be characterized as unfunded mandates are necessarily wrong. Indeed, the authors of the bill insist their legislation is intended to be prospective only (although we have concerns that the objective has not been achieved by the statutory language).

Many previously enacted statutes that do impose costs on states and localities were passed only after years of consideration with the broad support of those governmental bodies. Support was based on several concepts. First, many states wanted to do their share, but needed the Federal Government to insure that their neighbors did theirs. Environmental laws dealing with air, water, and sewage, for example, were designed to protect states from potential damage caused by their neighbors.

Second, states were often prepared to assist in solving problems such as developing national databases of child molesters or doing background checks on child care center operators. The benefits from these programs far outweighed any burdens.

Third, in return for certain unfunded mandates, states also received large financial benefits. Cleanups of harbors, construction of bridges, roads, and sewage treatment facilities were largely funded with Federal dollars and greatly improved the lives of American citizens.

Fourth, many of the unfunded mandates placed on localities and the private sector were enacted by state governments. Localities have also imposed unfunded mandates on the private sector. Like Congress, both states and localities have found mandates a convenient way to achieve important goals with limited funds. Thus, resolution of the unfunded mandated dilemma can only be achieved with the cooperation of state and local governments.

While Congress should carefully scrutinize any unfunded mandate, and must be required to evaluate both the costs and benefits of such laws, we must not totally hamstring our ability to pass laws that need to be passed. Unfortunately, the bill as drafted may do just that.

The remainder of these views will discuss the unprecedented procedural abuses we encountered in the consideration of this bill and the substantive concerns which remain unaddressed.

PROCEDURAL ABUSES IN THE CONSIDERATION OF THIS LEGISLATION
PREVENTED FAIR AND OPEN DEBATE

No hearings on the bill

On Tuesday, January 3, one day before the opening of the 104th Congress, the minority staff was informed by the majority staff that the unfunded mandates legislation would be considered on Tuesday, January 10, on the same day as the organizational meeting of the Committee.

The following day, January 4, Ranking Member Cardiss Collins met with Chairman Clinger and gave him a letter requesting public hearings and sufficient time to review the legislation. The letter read:

HOUSE OF REPRESENTATIVES,
 COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
Washington, DC, January 3, 1995.

Hon. WILLIAM F. CLINGER, Jr.,
Rayburn House Building,
Washington, DC.

DEAR MR. CHAIRMAN-ELECT: Today your staff informed my staff that it was your intention to mark up a bill on unfunded mandates on Tuesday, January 10, at the conclusion of the Committee's organizational meeting. I must strongly object to this highly unusual procedure, and urge you to consider a procedure that will permit thoughtful consideration by all Members of the Committee.

There is a clear opportunity for bipartisan cooperation on this legislation, as there was in the previous Congress, but not under the timetable that has been proposed. Legislation of significance should receive appropriate hearings, at which the minority can exercise its rights to invite witnesses. Regardless of actions in the 103rd Congress, there have never been hearings on the legislation being proposed in this Congress. More importantly, over half of the Members of the Committee did not serve on the Committee in the last Congress, and they will have a very limited understanding of the bill.

Scheduling a mark up on a bill that neither I, nor other minority members, have had an opportunity to review appears to be sending all the wrong signals about how the minority will be treated. The bill has not even been introduced, referred to the Committee, nor referred to the appropriate subcommittee. When I met with you, I pledged to work cooperatively. In order to do so, minority members deserve the right to review legislation and propose constructive changes. There is nothing about this bill that would justify these expedited procedures.

I look forward to working with you during this Congress, and I strongly urge you to follow regular procedures that recognize the rights of all the Members of the Committee to review legislation.

Sincerely,

CARDISS COLLINS,
Ranking Minority Member-Elect

On Friday, January 6, Chairman Clinger wrote to the Ranking Member to deny the request for hearings:

HOUSE OF REPRESENTATIVES,
 COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
Washington, DC, January 6, 1995.

Hon. CARDISS COLLINS,
Ranking Minority Member, Committee on Government Reform and Oversight, Washington, DC.

DEAR RANKING MEMBER CARDISS COLLINS: I want to respond to your letter of January 3, 1995 in which you express concerns about my intention to mark-up H.R. 5 "The Unfunded Mandate Reform Act of 1995" on January 10, 1995.

As discussed in our previous meetings, this bill is on an expedited schedule due to commitments made by our members and leadership to the American public. The unfunded mandates bill is

included as part of the "Contract With America" in which our leadership committed that such legislation would be considered by the House no later than 100 days after the beginning of the 104th Congress. In order to achieve this goal, and with the timing of the floor schedule, the Committee on Government Reform and Oversight has been asked to move this bill as quickly as possible.

The bill was introduced on January 4, and your staff was provided a copy prior to formal introduction. Frankly, it was my original intent to hold both the organizational meeting and mark-up on January 5; however, after our earlier discussion I moved the meeting to January 10.

I should note that the Committee held several hearings on this issue as well as on a similar bill last session. In addition, a similar bill passed out of this Committee during the waning days of the session but due to a series of delays by the majority party, it was not allowed to reach the floor for consideration before the close of the session. The majority of Democrat members of the new Committee did serve on the previous Committee, and participated in these hearings and mark-ups.

I look forward to working with you and your members cooperatively. I can assure you that I will make every attempt to provide as much notice as I can in the future for the review of legislation, and that it is my intention to schedule hearings prior to mark-ups of future legislation.

Sincerely,

WILLIAM F. CLINGER, Jr.,
Chairman.

The fact that two hearings were held on the subject of unfunded mandates in the last Congress is irrelevant. The bill that was introduced on January 4, 1995 is a new bill. It is different from any bill considered in the previous Congress.

Moreover, a majority of the Members of the Committee on Government Reform and Oversight did not serve on the Committee on Government Operations in the previous Congress. On the Republican side, there are 16 freshman members, along with four members who transferred from other committees. On the Democratic side, 11 Members did not serve on the Committee last Congress. In short, 31 out of 51 members are new to the Committee.

The request for public hearings is not a matter of procedure alone. Key groups that are affected by mandates had no chance to be heard in the debate. These include ordinary citizens who may benefit from clean water and air, who have children receiving special education or immunizations, or who have parents receiving social security benefits. They include workers who receive the benefits of workplace protections, and minimum wage laws. They include private companies that are concerned by the competitive disadvantage that they would face if publicly owned competitors were not required to comply with the same laws with which they comply. They also include government agency officials.

Ironically, the Chairman ultimately did hold a de facto hearing at the mark up in violation of Rule XI, as we will discuss below.

Members Had an Inadequate Opportunity to Review the Bill

The Ranking Member and the minority staff were given a xeroxed copy of the bill from the majority staff late in the afternoon on Wednesday, January 4. The minority xeroxed further copies which were distributed to most minority members on January 5. The actual printed version of H.R. 5 was not available until Friday, January 6. The markup was held two legislative days later on Tuesday, January 10.

The limited time for reading the bill, receiving comments on the bill, and drafting amendments, seriously impinged upon the Members' ability to craft thoughtful amendments.

Most importantly, the bill presents no issue that required such an urgent timetable. The bill could not be considered emergency legislation. In fact, the bill has an effective date of October 1, 1995, not date of enactment, which indicates that there was not an intention to pass the bill quickly so as to affect legislation immediately.

The markup began with the acceptance of testimony by Rep. Rob Portman, not a Member of the Committee, constituting an illegal hearing under the Committee Rules and the House Rules.

After an opening statement by the Chairman and Ranking Member, the Chairman recognized Representative Rob Portman, not a member of the Committee, who was seated at the clerk's table, to make a statement concerning the bill.

Minority Members made points of order contending that the Chair had no right to recognize Members who were not Members of the Committee to make statements. A point of order was made that the acceptance of the Portman testimony constituted a hearing that violated both Committee Rules and the House Rules. A point of order was made that the decision to accept testimony from Representative Portman denied the minority their right under Rule XI, clause 2(j)(1) to call witnesses selected by the minority. Members also requested an opportunity to question Representative Portman, which was denied, despite Rule XI, clause 2(j)(2) which provides an opportunity to Members of the Committee to ask questions under the 5-minute rule.

In each case, the Chair ruled against the points of order, with the justification that the Chair has the prerogative to recognize whomever he chooses.

At the end of Representative Portman's testimony, he thanked the Chair for "holding this hearing."

Members were denied a fair opportunity to debate and amend the Moran Amendment in the Nature of a Substitute.

At the beginning of the markup, after the reading of section 1 of the bill, Representative Moran offered an amendment in the nature of a substitute. Discussion of the amendment began despite the fact that the amendment had not yet been read. This problem was brought to the attention of the Chair.

After very limited debate, Representative Burton moved the previous question, and a point of order was raised by Representative Waxman, Representative Towns, and others that the amendment had not yet been read, and that, therefore there had been no opportunity to offer amendments to the Moran amendment. The point of order was denied. Subsequently, a point of order raised after the previous question had been ordered was denied because it came too

late. The Chair appeared to rule that the fact that debate had begun on the Moran amendment prior to its reading, a point of order did not lie that the amendment had not been read. There is no precedent of which we are aware for such a decision.

The Kanjorski Substitute Was Incorrectly Ruled Out of Order

After the amendment of Representative Moran was defeated, Representative Kanjorski was recognized. He stated that he had a substitute at the desk, and in response to questions from the Chair indicated that it was different from the Moran amendment.

The Chair ruled that based upon discussions with the Parliamentarian, only one substitute could be offered during the consideration of section 1, and one substitute could be offered at the end of the bill. A point of order was made against the ruling, noting that under House Rules, unlimited substitutes could be offered, assuming previous substitutes were defeated. It was denied.

We subsequently were advised by the Parliamentarian that multiple substitutes were in order.

The Chair Incorrectly Ruled that Amendments to Title II (Sections 201 and 202) and Title III would be Ruled Out of Order

In the middle of the markup, the Chair ruled that based upon advice of the Parliamentarian, the Committee would not be allowed to offer amendments to sections 201 and 202, and sections 301, 302, and 303. The ruling was subsequently amended to include all of Title III, and then amended again to provide committee jurisdiction over the new section 424(e) of the Congressional Budget Act of 1974 as added by section 301 of H.R. 5.

The ruling had the effect of permitting the Committee only to consider the one year study commission in title I, the bill's definitions, purposes, and exclusions. The main portions of the bill which define unfunded mandates and establish a point of order against bills that fail to provide various budget analyses and an ability for agencies to ignore enforcement of unfunded mandates, as well as the provisions relating to agency regulatory analyses were placed off limits. Under the Chair's ruling, the Committees on Budget, Rules, and Judiciary, which received only a very limited sequential referral would be responsible for considering these key provisions. Under the ruling, the Committee could not even consider changing the effective date contained in section 306.

Conclusion

The Tuesday markup of H.R. 5 was the first markup of the 104th Congress, and therefore the first markup conducted by the Chair. We do not wish that these procedural concerns be considered as a personal attack on the Chair. Indeed, we do not question the Chair's personal motives. However, all of these abuses were the direct result of the apparent orders to the Chair to move the bill out of the Committee at all costs. (As the letter from the Chairman quoted above states, because of the pledge to enact laws within 100 days, "the Committee on Government Reform and Oversight has been asked to move this bill as quickly as possible.") It is clear that the effort to bring the bill as quickly as possible was accomplished by trampling the rights of the minority under the House Rules.

QUESTIONS REMAIN UNANSWERED ABOUT THE SCOPE OF THE BILL
AND ITS IMPACTS UPON THE AMERICAN PEOPLE

*Will the Bill Permit a Majority Vote on Points of Order or Will the
Bill Allow a Single Member to Thwart Passage of a Bill
Deemed an Unfunded Mandate*

Section 2, Purposes, states that one of the purposes of the bill is:

- (5) To establish a point-of-order vote on the consideration in the Senate and House of Representatives of legislation containing significant Federal mandates.

During the course of Committee consideration, the Chair and many Members of the majority stated that the intent of the authors of the bill was not to ban unfunded mandates, but to force a special vote on the issue, so that Members would have to go on record as supporting a provision despite the cost estimates available that indicated that the mandate was unfunded.

However, the bill does not appear to accomplish this purpose. To the contrary, there is no right to demand a vote on a point of order, and under the proposed new section 426 of the Budget Act of 1974, it would not be in order to consider a rule that waived points of order based upon a provision being an unfunded mandate.

Some have contended that the Rules Committee could report a rule waiving the application of section 426 with respect to a second rule which waived the section 425(a) point of order. While this is theoretically possible, this would not establish a point-of-order vote. Unless the Rules Committee which has a two-to-one ratio of Republicans to Democrats agreed to this extraordinary procedure, the proponent of the provision could not get a vote on the point of order issue.

We were encouraged that the Chair indicated that his intent was to provide for a Floor vote on points of order and would work with us to achieve that result. However, the ruling that amendments to title III were not in order precluded our right to ensure a point-of order vote.

DESPITE THE INTENTIONS OF THE BILL'S AUTHORS TO APPLY THE BILL
ONLY TO PROSPECTIVE LAWS, THE BILL'S APPLICATION TO EXISTING
LAWS REMAINS AMBIGUOUS

During the course of the Committee debate, Members from both sides of the aisle expressed concern that the bill not affect existing laws and regulations that could be interpreted as unfunded mandates. Members expressed concerns that laws protecting health and safety and the environment not be repealed or rolled back. There are dozens of important laws that could fall under the broad definition of intergovernmental mandates in this law.

The authors of the bill note that the procedural points of order only apply to bills after the effective date of the bill, which in the introduced version is October 1, 1995. However, there is considerable question about the effect of the bill on the reauthorization of existing laws. Amendments to the bill to clarify that the reauthorizations were excluded from the coverage of the bill were defeated.

It was noted that the new section 421(7)(C) of the budget Act, "laws and regulations in effect at the time of the adoption of a Fed-

eral mandate for the same activity as is affected by that Federal mandate" are excluded from the definition of direct costs.

However, while this suggested that perhaps a simple reauthorization of an existing program might be excluded, questions remained. For example, suppose there was a time lapse between the expiration of the existing law, and the reauthorization. Would this constitute a new mandate?

Other questions also persisted. Suppose, for example, that new regulations on sewage treatment were proposed based upon existing law. Would that be covered? Suppose the reauthorization included provisions altering the funding formula, but not necessarily the overall funds. Would that constitute a mandate. What happens if the reauthorization adds new requirements to prevent fraud and abuse?

Representative Green properly questioned why the definition of "Federal intergovernmental mandate" in title III includes "any provision in legislation, statute, or regulation" if the intent of the bill is to be prospective only. If that were the case, the definition would only consider legislation (which is a prospective law), not statutes or regulations (which by definition have already been passed). Due to the ruling of the Chair, this definition could not be amended.

Although the Chair promised to work with the minority on this issue, we remain concerned that existing mandates with widespread support, from clean air to safe drinking water, from criminal justice reforms to education programs, could be jeopardized by the bill.

Why shouldn't the bill be made effective upon date of enactment

The bill's effective date is October 1, 1995. Over the coming months, the Congress is likely to consider numerous bills which could drastically cut funds available to states and localities to pay for various Federal programs. These bills, which could likely be considered unfunded mandates, could have exactly the consequences that the bill's authors are attempting to avoid. We can find no explanation for the delay in the effective date.

Why did the sponsors exclude certain mandates, such as national security, but not others

Section 4 of the bill, and the new section 422 of the Budget Act of 1974 list certain mandates, such as those necessary for the national security, as excluded from the application from the bill. Yet during the course of consideration of the bill, only an amendment to exclude Social Security was adopted. Among the amendments that were not adopted were:

An amendment by Representative Maloney to exclude laws protecting the health of infants, children, pregnant women, and the elderly;

Amendments by Representative Kanjorski to exclude laws relating to securities regulations, such as the sale of derivatives, and laws establishing data bases that identify child molesters, child abusers, persons convicted of sex crimes, persons under restraining orders, or persons who fail to pay child support;

An amendment by Representative Taylor to exclude laws relating to sewage treatment;

An amendment by Representative Sanders on laws relating to minimum standards for labor protections;

An amendment by Ranking Member Collins of Illinois to exclude laws relating to airport security;

Amendments by Representative Spratt to exclude laws relating to Medicare and nuclear regulation; and

An amendment by Representative Barrett to exclude sentencing guidelines.

It is difficult to see the logic in excluding laws which would seek to transfer the burden for our national defense to the states from the application of the bill, but not exclude laws which are designed to protect all Americans such as those described above. During the course of debate, it was contended the law merely requires an affirmative vote for unfunded mandates, but as the discussion above indicates, unless the law is amended, protections of average Americans, children, seniors, pregnant mothers, and others could be jeopardized.

Extending the bill's provisions to laws of general applicability to the private sector could lead to undesired consequences

The definition of an intergovernmental mandate is so broad that many laws directed at the private sector could be thwarted because of their indirect effect upon the public sector. In addition, in cases where the private sector competes with the public sector in enterprises such as power generation, the private sector enterprises could be placed at a competitive disadvantage.

Some examples of these laws were brought up at the hearing. An increase in the minimum wage law could be defeated by a point of order if funds were not provided to pay for the increased costs for state and local employees, unless the law exempted state and local employees.

Laws designed to protect investors in derivatives could be thwarted if they were made applicable to municipal purchasers if it could be found to be an unfunded mandate.

Laws which establish various protections for workplace safety would either have to fund state or local government costs of compliance or exempt those governments from compliance.

These results seem directly contrary to two principles that have broad support in the Congress. First, the House approved H.R. 1, the Congressional Accountability Act to make a variety of private sector laws applicable to Congress. Why are we now passing a law that would provide one set of protections to private sector workers and fewer protections to public sector workers?

Second, why are we giving public sector enterprises, such as power generators, natural gas pipelines, and waste treatment facilities a competitive advantage over private sector enterprises? If this unequal treatment is not resolved, it is foreseeable that private sector enterprises will over time be converted to public sector enterprises.

Mandates designed to protect states from harmful effects caused by neighboring States should be excluded from this act.

An amendment by Ranking Member Collins of Illinois was defeated that would exclude from the application of the bill laws that regulated the conduct of States, local governments, or tribal governments with respect to matters that significantly impact the health or safety of residents of other States, local governments, or tribal governments, respectively.

Certain Federal laws that place costs on governments are designed to protect residents of neighboring states. For example, as Representative Taylor of Mississippi described during the markup, the people of his district located at the base of the Mississippi River are deeply affected by the ways in which states along the Mississippi treat their sewage. Unless the Federal government was willing to pay the polluting states for the cost of their waste treatment, the Federal government could not protect the victims of this pollution in neighboring states.

Why shouldn't the polluter pay? Why should this be the responsibility of the victimized state's residents?

This is not a hypothetical situation. All over the country, there is dumping of raw sewage and hospital wastes. Incinerators are blowing toxic smoke over state lines. Unless the Federal government can act to protect citizens from the pollution caused by their neighboring states, the health and safety of the American people will be jeopardized.

Why are appropriations acts excluded from the application of the bill

One of the more likely examples of an unfunded mandate is an appropriations bill that fails to fully fund a Federal mandate. Yet the bill excludes appropriations acts from the applicability of the legislation. It is unclear why we would want to exempt this broad category of laws. To the contrary, Members should receive a full accounting from the Appropriations Committee and the Congressional Budget Office concerning the level to which the appropriations fail to adequately fund mandates on state and local governments.

Why should we create a new federal bureaucracy to study unfunded mandates

Title I of the bill establishes an entirely new Commission with funding of \$1 million to study the costs of unfunded mandates. Americans have expressed an interest in less government, not more government, yet the first bill that our Committee reports establishes another new government body.

After an amendment by Representative Meek to eliminate this new Commission was defeated, she offered a second amendment to transfer the functions to the already existing Advisory Committee on Intergovernmental Relations. At the request of Chairman Clinger, Representative Meek withdrew this amendment.

The new Commission would also establish a troubling precedent. The bill calls for the Speaker and Senate Majority Leader to each appoint 3 members of the Commission, after consultation with the

Minority Leaders. An amendment offered by Representative Waxman to have the Speaker and Senate Majority Leader each appoint 2 members, and the Minority Leaders to each appoint 1 member, as current laws operate, was defeated.

Summary

As described above, many Democrats favor increased scrutiny of unfunded mandates. Particularly at a time when the Federal government is seeking to reduce its deficits, the lure of cost shifting to the states must be resisted.

However, in fashioning a responsible bill on mandates, there are important details that have not been carefully addressed. It must be understood that Americans do not wish to see many programs that are designed to protect their health and safety dismantled because they have now been labelled an unfunded mandate.

In the end the advisability of passing any law cannot be solely determined by a cost estimate by the Congressional Budget Office. Not only are such estimates difficult to make, as the Director of CBO has pointed out, but the other side of the equation must be addressed: namely, the benefits that the legislation will yield.

We must legislate responsibly, particularly in this field. We, not the Director of CBO, must ultimately take responsibility for our actions. While we should require as much information as possible in making our decisions, legislation on this subject must be carefully drafted to avoid unanticipated consequences.

One of the purposes of H.R. 5 is "to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance." Unfortunately, in their haste to enact provisions of the "Contract With America", the majority has precluded the kind of informed and deliberate decisionmaking process it professes to promote.

CARDISS COLLINS.
HENRY A. WAXMAN.
TOM LANTOS.
ROBERT E. WISE.
MAJOR R. OWENS.
EDOLPHUS TOWNS.
JOHN M. SPRATT.
LOUISE SLAUGHTER.
CAROLYN B. MALONEY.
THOMAS M. BARRETT.
ELEANOR HOLMES NORTON.
GENE GREEN.
CARRIE P. MEEK.
FRANK MASCARA.
CHAKA FATTAH.