

106TH CONGRESS
1ST SESSION

S. 427

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 1999

Mr. ABRAHAM (for himself, Mr. DOMENICI, Mr. THOMPSON, Mr. LOTT, Mr. ALLARD, Mr. HAGEL, Mr. SESSIONS, Mr. HUTCHINSON, Mr. COCHRAN, Mr. BURNS, Mr. MCCAIN, Mr. INHOFE, Mr. DEWINE, Mr. BOND, Mr. SMITH of Oregon, Mr. ENZI, Mr. HELMS, and Mr. NICKLES) introduced the following bill; which was read twice and referred jointly pursuant to the order of August 4, 1977, to the Committees on the Budget and Governmental Affairs, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mandates Information
5 Act of 1999”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

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

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

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

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

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

18 **SEC. 3. PURPOSES.**

19 The purposes of this Act are—

20 (1) to improve the quality of Congress' delibera-
21 tion with respect to proposed mandates on the pri-
22 vate sector, by—

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

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

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

8 **SEC. 4. FEDERAL PRIVATE SECTOR MANDATES.**

9 (a) IN GENERAL.—

10 (1) ESTIMATES.—Section 424(b) of the Con-
 11 gressional Budget Act of 1974 (2 U.S.C. 658c(b)) is
 12 amended by adding at the end the following:

13 “(4) ESTIMATE OF INDIRECT IMPACTS.—

14 “(A) IN GENERAL.—In preparing esti-
 15 mates under paragraph (1), the Director shall
 16 also estimate, if feasible, the impact (including
 17 any disproportionate impact in particular re-
 18 gions or industries) on consumers, workers, and
 19 small businesses, of the Federal private sector
 20 mandates in the bill or joint resolution,
 21 including—

22 “(i) an analysis of the effect of the
 23 Federal private sector mandates in the bill
 24 or joint resolution on consumer prices and

1 on the actual supply of goods and services
2 in consumer markets;

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

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

13 “(B) ESTIMATE NOT CONSIDERED IN DE-
14 TERMINATION.—The estimate prepared under
15 this paragraph shall not be considered in deter-
16 mining whether the direct costs of all Federal
17 private sector mandates in the bill or joint reso-
18 lution will exceed the threshold specified in
19 paragraph (1).”.

20 (2) POINT OF ORDER.—Section 424(b)(3) of
21 the Congressional Budget Act of 1974 (2 U.S.C.
22 658c(b)(3)) is amended by adding after the period
23 “If such determination is made by the Director, a
24 point of order under this part shall lie only under

1 section 425(a)(1) and as if the requirement of sec-
2 tion 425(a)(1) had not been met.”.

3 (3) THRESHOLD AMOUNTS.—Section 425(a)(2)
4 of the Congressional Budget Act of 1974 (2 U.S.C.
5 658d(a)(2)) is amended by striking “Federal inter-
6 governmental mandates by an amount that causes
7 the thresholds specified in section 424(a)(1)” and
8 inserting “Federal mandates by an amount that
9 causes the thresholds specified in section 424 (a)(1)
10 or (b)(1)”.

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

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

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

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

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

23 (5) APPLICATION RELATING TO CONGRES-
24 SIONAL BUDGET OFFICE.—Section 427 of the Con-

1 gressional Budget Act of 1974 (2 U.S.C. 658f) is
2 amended by striking “intergovernmental”.

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

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

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

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