

103^D CONGRESS
2^D SESSION

H. R. 4771

To strengthen the partnership between the Federal Government and State, local, and tribal governments, to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities, to better assess both costs and benefits of Federal legislation and regulations on State, local, and tribal governments, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 1994

Mr. TOWNS (for himself, Mr. CONYERS, Mr. MORAN, Mr. BARRETT of Wisconsin, and Mr. PAYNE of New Jersey) introduced the following bill; which was referred jointly to the Committees on Rules and Government Operations

A BILL

To strengthen the partnership between the Federal Government and State, local, and tribal governments, to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities, to better assess both costs and benefits of Federal legislation and regulations on State, local, and tribal governments, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Mandate Ac-
3 countability and Reform Act of 1994”.

4 **SEC. 2. PURPOSES.**

5 (a) The purposes of this Act are—

6 (1) to strengthen the partnership between the
7 Federal Government and States, local governments,
8 and tribal governments;

9 (2) to end the imposition, in the absence of full
10 consideration by Congress, of Federal mandates on
11 States, local governments, and tribal governments
12 without adequate Federal funding, in a manner that
13 may displace other essential governmental priorities;

14 (3) to assist Congress in its consideration of
15 proposed legislation establishing or revising Federal
16 programs containing Federal mandates affecting
17 States, local governments, and tribal governments
18 by—

19 (A) providing for the development of infor-
20 mation about the nature and size of mandates
21 in proposed legislation, and

22 (B) establishing a mechanism to bring
23 such information to the attention of House of
24 Representatives and the Senate before the
25 House of Representatives or Senate, respec-
26 tively, votes on proposed legislation;

1 (4) to promote informed and deliberate deci-
2 sions by Congress on the appropriateness of Federal
3 mandates in any particular instances;

4 (5) to require a point-of-order vote on the con-
5 sideration in the House of Representatives and the
6 Senate of legislation containing significant Federal
7 mandates; and

8 (6) to improve the quality of Federal regula-
9 tions affecting States, local governments, and tribal
10 governments and the process by which such regula-
11 tions are developed, by—

12 (A) requiring that Federal agencies consult
13 with elected and other officials of States, local
14 governments, and tribal governments when de-
15 veloping regulations; and

16 (B) requiring that Federal agencies pre-
17 pare and consider better estimates of the budg-
18 etary impact of Federal regulatory mandates
19 upon States, local governments, and tribal gov-
20 ernments before adopting such regulations, and
21 ensuring that small governments are given spe-
22 cial consideration in that process.

23 **SEC. 3. DEFINITIONS.**

24 For purposes of this Act—

1 (1) FEDERAL MANDATE DEFINED.—The term
2 “Federal mandate” means—

3 (A) any provision in a bill or joint resolu-
4 tion before Congress or in a proposed or final
5 Federal regulation that—

6 (i) would impose a duty that is en-
7 forceable by administrative, civil, or crimi-
8 nal penalty or by injunction (other than a
9 condition of Federal assistance or a duty
10 arising from participation in a voluntary
11 Federal program, except as stated in sub-
12 paragraph (B)), upon States, local govern-
13 ments, or tribal governments, or

14 (ii) would reduce or eliminate the
15 amount of authorization of Federal finan-
16 cial assistance that will be provided to
17 States, local governments, or tribal govern-
18 ments for the purpose of complying with
19 any such duty; or

20 (B) any provision in a bill or joint resolu-
21 tion before Congress or in a proposed or final
22 Federal regulation that relates to a then-exist-
23 ing Federal program under which \$500,000,000
24 or more is provided annually to States, local
25 governments, and tribal governments under en-

1 titlement authority (as that term is defined in
2 section 3(9) of the Congressional Budget Act of
3 1974 (2 U.S.C. 622(9))), if—

4 (i)(I) the bill or joint resolution or
5 regulation would increase the stringency of
6 conditions of assistance to States, local
7 governments, or tribal governments under
8 the program, or

9 (II) would place caps upon, or other-
10 wise decrease, the Federal Government's
11 responsibility to provide funding to States,
12 local governments, or tribal governments
13 under the program; and

14 (ii) the States, local governments, or
15 tribal governments that participate in the
16 Federal program lack authority under that
17 program to amend their financial or pro-
18 grammatic responsibilities to continue pro-
19 viding required services that are affected
20 by the bill or joint resolution or implement-
21 ing regulation.

22 (2) DIRECT COSTS DEFINED.—

23 (A) The term “direct costs” means the ag-
24 gregate estimated amounts that all States, local
25 governments, and tribal governments will be re-

1 required to spend in order to comply with a Fed-
2 eral mandate, or, in the case of a bill or joint
3 resolution referred to in paragraph (1)(A)(ii),
4 the amount of Federal financial assistance
5 eliminated or reduced.

6 (B) Direct cost shall not include amounts
7 that it is estimated that the States, local gov-
8 ernments, and tribal governments would
9 spend—

10 (i) to comply with or carry out all ap-
11 plicable Federal, State, local, and tribal
12 laws and regulations adopted before the
13 adoption of the Federal mandate; or

14 (ii) to continue to carry out State,
15 local governmental, and tribal govern-
16 mental programs established at the time of
17 adoption of the Federal mandate;

18 (C) Direct costs shall not include expendi-
19 tures to the extent that they will be offset by
20 any direct savings to be enjoyed by the States,
21 local governments, and tribal governments as a
22 result of—

23 (i) their compliance with the Federal
24 mandate; or

1 (ii) other changes in Federal law or
2 regulation that are enacted or adopted in
3 the same bill or joint resolution or pro-
4 posed or final Federal regulation and that
5 govern the same activity as is affected by
6 the Federal mandate.

7 (D) Direct costs shall be determined on the
8 assumption that States, local governments, and
9 tribal governments will take all reasonable steps
10 necessary to mitigate the costs resulting from
11 the Federal mandate, and will comply with ap-
12 plicable standards of practice and conduct es-
13 tablished by recognized professional or trade as-
14 sociations.

15 (3) AMOUNT OF FEDERAL FINANCIAL ASSIST-
16 ANCE DEFINED.—The amount of “Federal financial
17 assistance” means—

18 (A) the amount of budget authority (as de-
19 fined in section 3(2)(A) of the Congressional
20 Budget Act of 1974 (2 U.S.C. 622(2)(A))) of
21 any Federal grant assistance, and

22 (B) the subsidy amount (as defined as
23 “cost” in section 502(5) of the Federal Credit
24 Reform Act of 1990 (2 U.S.C. 661a(5)(a)) of

1 any Federal program providing loan guarantees
2 or direct loans.

3 (4) OTHER DEFINITIONS.—

4 (A) AGENCY DEFINED.—The term “agen-
5 cy” has the meaning stated in section 551(1) of
6 title 5, United States Code, but does not in-
7 clude independent regulatory agencies, as de-
8 fined by section 3502(10) of title 44, United
9 States Code.

10 (B) DIRECTOR DEFINED.—The term “Di-
11 rector” means the Director of the Congressional
12 Budget Office.

13 (C) LOCAL GOVERNMENT DEFINED.—The
14 term “local government” has the same meaning
15 as in section 6501(6) of title 31, United States
16 Code.

17 (D) REGULATION OR RULE DEFINED.—
18 The term “regulation” or “rule” has the mean-
19 ing of “rule” as defined in section 601(2) of
20 title 5, United States Code.

21 (E) SMALL GOVERNMENT DEFINED.—The
22 term “small government” means any small gov-
23 ernmental jurisdiction as defined in section
24 601(5) of title 5, United States Code, and any
25 tribal government.

1 (F) STATE DEFINED.—The term “State”
2 has the same meaning as in section 6501(9) of
3 title 31, United States Code.

4 **SEC. 4. EXCLUSIONS.**

5 Anything in this Act to the contrary notwithstanding,
6 this Act shall not apply to—

7 (1) any provision in a bill or joint resolution be-
8 fore Congress and any provision in a proposed or
9 final Federal regulation that—

10 (A) enforces Constitutional rights of indi-
11 viduals;

12 (B) establishes or enforces any statutory
13 rights that prohibit discrimination on the basis
14 of race, religion, gender, national origin, or
15 handicapped or disability status;

16 (C) requires compliance with accounting
17 and auditing procedures with respect to grants
18 or other money or property provided by the
19 United States Government;

20 (D) provides for emergency assistance or
21 relief at the request of any State, local govern-
22 ment, or tribal government or any official of
23 any of them; or

1 (E) is necessary for the national security
2 or the ratification or implementation of inter-
3 national treaty obligations; or

4 (2) any legislation that the President designates
5 as emergency legislation and that the Congress so
6 designates in statute.

7 **TITLE I—LEGISLATIVE**
8 **ACCOUNTABILITY AND REFORM**

9 **SEC. 101. DUTIES OF CONGRESSIONAL COMMITTEES.**

10 (a) COMMITTEE REPORT.—

11 (1) REGARDING FEDERAL MANDATES.—When a
12 committee of authorization of the House of Rep-
13 resentatives or the Senate reports a bill or joint res-
14 olution of public character that includes any Federal
15 mandate, the committee shall issue a report to ac-
16 company the bill or joint resolution containing—

17 (A) an analysis, prepared in consultation
18 with the Director, including an identification
19 and description of any Federal mandates in the
20 bill or joint resolution, including the expected
21 direct costs to States, local governments, and
22 tribal governments required to comply with the
23 Federal mandate;

24 (B)(i) a statement of the amount, if any,
25 of increase in authorization of appropriations

1 under existing Federal financial assistance pro-
2 grams, or of authorization of appropriations for
3 new Federal financial assistance, provided by
4 the bill or joint resolution and usable for activi-
5 ties of States, local governments, or tribal gov-
6 ernments subject to the Federal mandates; and

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

11 (C) a qualitative, and if possible, a quan-
12 titative assessment of costs and benefits antici-
13 pated from the Federal mandate (such as, but
14 not limited to, the enhancement of health and
15 safety and the protection of the natural envi-
16 ronment);

17 (D) any existing sources of Federal assist-
18 ance in addition to those identified in subpara-
19 graph (B)(i) that may assist States, local gov-
20 ernments, and tribal governments in meeting
21 the direct costs of the Federal mandates; and

22 (E) an identification of one or more of the
23 following: reductions in authorization of existing
24 appropriations, a reduction in direct spending,

1 or an increase in receipts (consistent with the
2 amount identified in subparagraph (B)(i)).

3 (2) REGARDING PREEMPTION.—When a com-
4 mittee of authorization of the House of Representa-
5 tives or the Senate reports a bill or joint resolution
6 of public character, the committee report accom-
7 panying the bill or joint resolution shall contain, if
8 relevant to the bill or joint resolution, an explicit
9 statement of whether or not the bill or joint resolu-
10 tion is intended to preempt any State, local, or tribal
11 law, and if so, an explanation of the reasons for en-
12 acting such preemption.

13 (b) SUBMISSION OF BILLS TO THE DIRECTOR.—
14 When a committee of authorization of the House of Rep-
15 resentatives or the Senate reports a bill or joint resolution
16 of a public character, the committee shall promptly pro-
17 vide the bill or joint resolution to the Director and shall
18 identify to the Director any Federal mandates contained
19 in the bill or resolution.

20 (c) PUBLICATION OF STATEMENT FROM THE DIREC-
21 TOR.—Upon receiving a statement (including any supple-
22 mental statement) from the Director pursuant to section
23 102(c), a committee of the House of Representatives or
24 the Senate shall publish the statement in the committee
25 report accompanying the bill or joint resolution to which

1 the statement relates if the statement is available soon
2 enough to be included in the printed report. If the state-
3 ment is not published in the report, or if the bill or joint
4 resolution to which the statement relates is expected to
5 be considered by the House of Representatives or the Sen-
6 ate before the report is published, the committee shall
7 cause the statement, or a summary thereof, to be pub-
8 lished in the Congressional Record in advance of floor con-
9 sideration of the bill or joint resolution.

10 **SEC. 102. DUTIES OF THE DIRECTOR.**

11 (a) STUDIES.—

12 (1) As early as practicable in each new Con-
13 gress, any committee of the House of Representa-
14 tives or the Senate which anticipates that the com-
15 mittee will consider any proposed legislation estab-
16 lishing, amending, or reauthorizing any Federal pro-
17 gram likely to have a significant budgetary impact
18 on States, local governments, or tribal governments,
19 including any legislative proposal submitted by the
20 executive branch likely to have such budgetary im-
21 pact, shall request that the Director initiate a study
22 of the proposed legislation in order to develop infor-
23 mation that may be useful in analyzing the costs of
24 any Federal mandates and of any unfunded Federal

1 mandates that may be included in the proposed leg-
2 islation.

3 (2) In conducting the study under paragraph
4 (1), the Director shall—

5 (A) solicit and consider information or
6 comments from elected officials (including their
7 designated representatives) of States, local gov-
8 ernments, tribal governments, and such other
9 persons as may provide helpful information or
10 comments,

11 (B) consider establishing advisory panels
12 of elected officials (including their designated
13 representatives) of States, local governments,
14 tribal governments, and other persons if the Di-
15 rector determines, in his discretion, that such
16 advisory panels would be helpful in performing
17 the Director's responsibilities under this sec-
18 tion, and

19 (C) consult with the relevant committees of
20 the House of Representatives and of the Sen-
21 ate.

22 (b) CONSULTATION.—The Director shall, at the re-
23 quest of any committee of the House of Representatives
24 or of the Senate, consult with and assist such committee
25 in analyzing the budgetary impact of any proposed legisla-

1 tion that may have a significant budgetary impact on
2 State, local, or tribal governments.

3 (c) STATEMENTS ON NONAPPROPRIATIONS BILLS
4 AND JOINT RESOLUTIONS.—

5 (1) REPORTED BILLS AND JOINT RESOLU-
6 TIONS.—For each bill or joint resolution of a public
7 character reported by any committee of authoriza-
8 tion of the House of Representatives or of the Sen-
9 ate, the Director shall prepare and submit to the
10 committee a statement as follows:

11 (A) DIRECT COSTS BELOW THRESHOLD.—

12 If the Director estimates that the direct costs
13 of all Federal mandates in the bill or joint reso-
14 lution will not equal or exceed \$50,000,000 (ad-
15 justed annually for inflation by the Consumer
16 Price Index) in the fiscal year in which it (as
17 well as any necessary implementing regulation)
18 is to be effective or in any of the 4 fiscal years
19 following such fiscal year, the Director shall so
20 state and shall briefly explain the basis of the
21 estimate.

22 (B) DIRECT COSTS ABOVE THRESHOLD.—

23 If the Director estimates that the direct costs
24 of all Federal mandates in the bill or joint reso-
25 lution will equal or exceed \$50,000,000 (ad-

1 justed annually for inflation by the Consumer
2 Price Index) in the fiscal year in which it (as
3 well as any necessary implementing regulation)
4 is to be effective or in any of the 4 fiscal years
5 following such fiscal year, the Director shall so
6 state and shall briefly explain the basis of the
7 estimate, and—

8 (i) shall include estimates (and shall
9 briefly explain the basis of the estimates)
10 of—

11 (I) the total amount of direct
12 costs of complying with the Federal
13 mandates in the bill or joint resolu-
14 tion; and

15 (II) the amount, if any, of in-
16 crease in authorization of appropria-
17 tions under existing Federal financial
18 assistance programs, or of authoriza-
19 tion of appropriations for new Federal
20 financial assistance, provided by the
21 bill or joint resolution and usable by
22 States, local governments, or tribal
23 governments for activities subject to
24 the Federal mandates;

1 (ii) shall also include estimates, if and
2 to the extent that the Director determines
3 that such estimates are reasonably feasible,
4 of—

5 (I) future costs of Federal man-
6 dates to the extent that they signifi-
7 cantly differ from or extend beyond
8 the time period of the estimate re-
9 ferred to in the first clause of this
10 subparagraph (B); and

11 (II) any disproportionate budg-
12 etary effects of Federal mandates and
13 of any Federal financial assistance in
14 the bill or joint resolution upon any
15 particular regions of the country or
16 particular States, local governments,
17 tribal governments, or urban or rural
18 or other types of communities; and

19 (iii) shall also state any amounts ap-
20 propriated in the prior fiscal year to fund
21 the activities subject to the Federal man-
22 date.

23 (2) AMENDED BILLS AND JOINT RESOLUTIONS;
24 CONFERENCE REPORTS.—If the Director has pre-
25 pared a statement that includes the determination

1 described in paragraph (1)(B) for a bill or joint res-
2 olution, and if that bill or joint resolution is passed
3 in an amended form (including if passed by one
4 House as an amendment in the nature of a sub-
5 stitute for the language of a bill or joint resolution
6 from the other House) or is reported by a committee
7 of conference in an amended form, the committee of
8 conference shall ensure, to the greatest extent prac-
9 ticable, that the Director shall prepare a supple-
10 mental statement for the bill or joint resolution. The
11 requirements of section 103 shall not apply to the
12 publication of any supplemental statement prepared
13 under this subsection.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to the Congressional
16 Budget Office to carry out the provisions of this Act, and
17 for no other purpose, \$2,300,000 for each of the fiscal
18 years 1995, 1996, 1997, 1998, and 1999.

19 (e) TECHNICAL AMENDMENT.—The State and Local
20 Cost Estimate Act of 1981, Public Law 97–108, is hereby
21 repealed.

22 **SEC. 103. POINT OF ORDER.**

23 (a) IN GENERAL IN THE HOUSE OF REPRESENTA-
24 TIVES OR SENATE.—It shall not be in order in the House
25 of Representatives or Senate to consider any bill or joint

1 resolution that is reported by any committee of authoriza-
2 tion unless (based upon a ruling of the presiding Officer
3 in the case of the Senate)—

4 (1) a committee has published a statement of
5 the Director in accordance with section 101(c) prior
6 to such consideration; and

7 (2) either—

8 (A) the direct costs of all Federal man-
9 dates in the bill or joint resolution are esti-
10 mated not to equal or exceed \$50,000,000 (ad-
11 justed annually for inflation by the Consumer
12 Price Index) in the fiscal year in which it (as
13 well as any necessary implementing regulation)
14 is to be effective or in any of the 4 fiscal years
15 following such fiscal year, or

16 (B)(i) the increase in authorization of ap-
17 propriations under existing Federal financial
18 assistance programs, or of authorization of ap-
19 propriations for new Federal financial assist-
20 ance, provided by the bill or joint resolution and
21 usable by States, local governments, or tribal
22 governments for activities subject to the Fed-
23 eral mandates is at least equal to the estimated
24 amount of direct costs of the Federal mandates;
25 and

1 (ii) the committee of jurisdiction has iden-
2 tified in the bill or joint resolution one or more
3 of the following: a reduction in authorization of
4 existing appropriations, a reduction in direct
5 spending, or an increase in receipts (consistent
6 with the amount identified in clause (i).

7 (b) AMENDMENT TO RAISE AUTHORIZATION
8 LEVEL.—Notwithstanding the terms of subsection (a), it
9 shall not be out of order pursuant to this section to con-
10 sider a bill or joint to which an amendment is proposed
11 and agreed to that would raise the amount of authoriza-
12 tion of appropriations to a level sufficient to satisfy the
13 requirements of subsections (a)(2)(B) and (a)(2)(C), nor
14 shall it be out of order to consider such an amendment.

15 **SEC. 104. EXERCISE OF RULEMAKING POWERS.**

16 The provisions of sections 101, 102, and 103 are en-
17 acted by Congress—

18 (1) as an exercise of the rulemaking powers of
19 the House of Representatives and the Senate, and as
20 such they shall be considered as part of the rules of
21 the House of Representatives and the Senate, re-
22 spectively, and such rules shall supersede other rules
23 only to the extent that they are inconsistent there-
24 with; and

1 (2) with full recognition of the constitutional
2 right of the House of Representatives and the Sen-
3 ate to change such rules at any time, in the same
4 manner, and to the same extent as in the case of
5 any other rule of the House of Representatives or
6 the Senate, respectively.

7 **SEC. 105. EFFECTIVE DATE.**

8 This title shall apply to bills and joint resolutions re-
9 ported by a committee on or after October 1, 1995.

10 **TITLE II—REGULATORY**
11 **ACCOUNTABILITY AND REFORM**

12 **SEC. 201. REGULATORY PROCESS.**

13 (a) Each agency shall assess the effects of Federal
14 regulations on States, local governments, and tribal gov-
15 ernments, including specifically the availability of re-
16 sources to carry out any mandates in those regulations,
17 and seek to minimize those burdens that uniquely or sig-
18 nificantly affect such governmental entities, consistent
19 with achieving statutory and regulatory objectives.

20 (b) Each agency shall develop an effective process to
21 permit elected officials (including their designated rep-
22 resentatives) and other representatives of States, local
23 governments, and tribal governments to provide meaning-
24 ful and timely input in the development of regulatory pro-

1 posals containing significant Federal mandates. Such a
2 process shall be consistent with all applicable laws.

3 (c)(1) Before establishing any regulatory require-
4 ments that might significantly or uniquely affect small
5 governments, agencies shall have developed a plan under
6 which the agency shall—

7 (A) provide notice of the contemplated require-
8 ments to any potentially affected small governments,

9 (B) seek the views of, and consult with, officials
10 of affected small governments pursuant to sub-
11 section (b), and

12 (C) inform, educate, and advise small govern-
13 ments on compliance with the requirements.

14 (2) There are hereby authorized to be appropriated
15 to each agency to carry out the provisions of this section,
16 and for no other purpose, such sums as are necessary.

17 **SEC. 202. STATEMENTS TO ACCOMPANY SIGNIFICANT REG-**
18 **ULATORY ACTIONS.**

19 (a) IN GENERAL.—Before promulgating any final
20 rule that includes any Federal mandates upon States, local
21 governments, or tribal governments that may result in the
22 expenditures by States, local governments, or tribal gov-
23 ernments, in the aggregate, of \$100,000,000 or more (an-
24 nually adjusted by the Consumer Price Index) in any one
25 year, and before promulgating any general notice of pro-

1 posed rulemaking that is likely to result in promulgation
2 of any such rule, the agency shall prepare a written state-
3 ment containing—

4 (1) estimates by the agency, including the un-
5 derlying analysis, of the anticipated costs to States,
6 local governments, and tribal governments of com-
7 plying with the mandate, and of the extent to which
8 such costs may be paid with funds provided by the
9 Federal Government or otherwise paid through Fed-
10 eral financial assistance;

11 (2) estimates by the agency, if and to the ex-
12 tent that the agency determines that such estimates
13 are reasonably feasible, of—

14 (A) the costs of mandates in the regulation
15 that will be borne in various future time peri-
16 ods; and

17 (B) any disproportionate budgetary effects
18 of the mandates upon any particular regions of
19 the country or particular States, local govern-
20 ments, tribal governments, or rural or other
21 types of communities;

22 (3) a qualitative, and if possible, a quantative
23 assessment of costs and benefits anticipated from
24 the Federal mandate (such as, but not limited to,

1 the enhancement of health and safety and the pro-
2 tection of the natural environment); and

3 (4)(A) a description of the extent of the agen-
4 cy's prior consultation with elected representatives
5 (including their designated representatives) of the
6 affected States, local governments, and tribal gov-
7 ernments and of other affected parties, (B) a sum-
8 mary of the comments and concerns that were pre-
9 sented by States, local governments, or tribal gov-
10 ernments either orally or in writing to the agency,
11 (C) a summary of the agency's evaluation of those
12 comments and concerns, and (D) the agency's posi-
13 tion supporting the need to issue the regulation con-
14 taining the mandate (considering, among other
15 things, the extent to which costs may or may not be
16 paid with funds provided by the Federal Govern-
17 ment).

18 (b) PROMULGATION.—In promulgating a general no-
19 tice of proposed rulemaking or a final rule for which a
20 statement under subsection (a) is required, the agency
21 shall include in the promulgation a summary of the infor-
22 mation contained in the statement.

23 (c) PREPARATION IN CONJUNCTION WITH OTHER
24 STATEMENT.—Any agency may prepare any statement re-
25 quired by subsection (a) in conjunction with or as a part

1 of any other statement or analysis, provided that the state-
2 ment or analysis satisfies the provisions of subsection (a).

3 **SEC. 203. ASSISTANCE TO THE CONGRESSIONAL BUDGET**
4 **OFFICE.**

5 (a) The Director of the Office of Management and
6 Budget shall collect from agencies the statements pre-
7 pared under section 202 and provide copies of them to
8 the Director of the Congressional Budget Office promptly
9 after promulgation of the general notice of proposed rule-
10 making or of the final rule for which the statement was
11 prepared.

12 (b) Each agency shall provide to the Director of the
13 Congressional Budget Office such information and assist-
14 ance as he may reasonably request to assist him in per-
15 forming his responsibilities under this Act.

16 **SEC. 204. PILOT PROGRAM ON SMALL GOVERNMENT FLEXI-**
17 **BILITY.**

18 (a) The Director of the Office of Management and
19 Budget, in consultation with Federal agencies, shall estab-
20 lish pilot programs in at least 2 agencies to test innova-
21 tive, and more flexible regulatory approaches that—

22 (1) reduce reporting and compliance burdens on
23 small governments; and

24 (2) meet overall statutory goals and objectives.

1 (b) The pilot program shall focus on rules in effect
2 or proposed rules, or a combination thereof.

3 **TITLE III—JUDICIAL REVIEW**

4 **SEC. 301. JUDICIAL REVIEW.**

5 Any statement or report prepared under this Act, any
6 compliance or noncompliance with the provisions of this
7 Act, and any determination concerning the applicability of
8 the provisions of this act shall not be subject to judicial
9 review. The provisions of this Act shall not create any
10 right or benefit, substantive or procedural, enforceable by
11 any person in any administrative or judicial action. No
12 ruling or determination under this act shall be considered
13 by any court in determining the intent of Congress or for
14 any other purpose.

15 **TITLE IV—BASELINE STUDY**

16 **SEC. 401. BASELINE STUDY OF COSTS AND BENEFITS.**

17 (a) No later than 6 months after the date of enact-
18 ment of this Act, the Director of the Bureau of the Cen-
19 sus, in consultation with the Director, shall begin a study
20 to examine the measurement and definition issues involved
21 in calculating the total costs and benefits to States, local
22 governments, and tribal governments of compliance with
23 Federal law. The study shall consider the feasibility of
24 measuring indirect costs and benefits as well as direct
25 costs and benefits of the Federal, State, local, and tribal

1 relationship. The study shall consider how to measure both
2 the direct and indirect benefits of Federal financial assist-
3 ance and tax benefits to States, local governments, and
4 tribal governments.

5 (b) There are authorized to be appropriated to the
6 Bureau of the Census to carry out the purposes of this
7 title, \$1,000,000 for fiscal year 1995 and \$1,000,000 for
8 fiscal year 1996.

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