

103^D CONGRESS
1ST SESSION

S. RES. 157

To amend the Standing Rules of the Senate to require a supermajority for committee approval of bills containing unfunded Federal mandates.

IN THE SENATE OF THE UNITED STATES

OCTOBER 27 (legislative day, OCTOBER 13), 1993

Mr. GREGG (for himself, Mr. BENNETT, Mr. COVERDELL, Mr. FAIRCLOTH, Mrs. HUTCHISON, and Mr. KEMPTHORNE) submitted the following resolution; which was referred to the Committee on Rules and Administration

RESOLUTION

To amend the Standing Rules of the Senate to require a supermajority for committee approval of bills containing unfunded Federal mandates.

Whereas, under our constitutional scheme of government, the Senate was intended, and historically served, as a protector of State interests from Federal encroachment;

Whereas, although unfunded Federal mandates result from Federal policy decisions, their costs are borne by State and local governments;

Whereas congressional imposition of unfunded Federal mandates has accelerated over the past decade;

Whereas, although each new unfunded Federal mandate may not have seemed to significantly burden State and local

governments, their cumulative costs are having unintended consequences;

Whereas the costs of unfunded Federal mandates are consuming State and local budgets, to the extent that traditional State and local tax bases are being effectively Federalized, and the States' ability to carry out their traditional functions and services is being seriously undermined;

Whereas the results of Congress' continual imposition of unfunded Federal mandates has reached crisis proportions in many States; and

Whereas the Senate, to better serve its historical role as a protector of State interest, must amend its rules to respond to the crises confronting State and local governance caused by unfunded Federal mandates: Now, therefore, be it

1 *Resolved*, That (a) the Standing Rules of the Senate
2 are amended by adding at the end thereof the following:

3 "RULE XLIII

4 "UNFUNDED FEDERAL MANDATES

5 "1. Any bill or resolution referred to a committee
6 shall—

7 "(a) if it contains one or more unfunded Federal
8 mandates, require an affirmative vote of two-
9 thirds of the members of the committee to be re-
10 ported out of committee; and

11 "(b) if so reported, be accompanied by an ex-
12 planation of why the unfunded Federal mandate is

1 important enough to be imposed upon State and
2 local budgets without attendant Federal funding.

3 “2. It shall not be in order for the Senate to consider
4 any bill that has not satisfied the requirements of para-
5 graph 1. A vote of two-thirds of the Senate duly chosen
6 and sworn, is required to waive a point of order made pur-
7 suant to this paragraph.

8 “3. For purposes of this rule, a bill shall be consid-
9 ered to contain an unfunded Federal mandate if the bill—

10 “(a) contains one or more requirements to be
11 imposed upon State or local governments, the com-
12 pliance for which full Federal funding is not pro-
13 vided;

14 “(b) provides authority, or amends a statute
15 that provides authority, to government departments
16 or agencies to promulgate regulations, unless it also
17 contains a mechanism through which State and local
18 governments receive full Federal funding for compli-
19 ance with requirements imposed upon State or local
20 governments by such regulations;

21 “(c) eliminates (unless an associated Federal
22 requirement is also eliminated), decreases, or im-
23 poses new conditions upon, the receipt by State or
24 local governments of existing sources of Federal
25 funding; or

1 “(d) imposes a Federal fee, or increases an ex-
2 isting Federal fee, upon State or local govern-
3 ments.”.

4 (b) The rule added by this resolution shall take effect
5 upon the convening of the 104th Congress.

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