

The Government Employees Rights Act of 1991, referred to in subsec. (a)(1), (2), probably means the Government Employee Rights Act of 1991, which is title III of Pub. L. 102-166, Nov. 21, 1991, 105 Stat. 1088, as amended, and is classified generally to sections 2000e-16a to 2000e-16c of Title 42, The Public Health and Welfare. Sections 305 and 307 of the Act were classified to sections 1205 and 1207, respectively, of this title prior to repeal, except as provided in this section, by Pub. L. 104-1, title V, §504(a)(2), Jan. 23, 1995, 109 Stat. 41. For complete classification of this Act to the Code, see section 2000e-16a(a) of Title 42 and Tables.

Section 1207a of this title, referred to in subsec. (a)(3), was repealed, except as provided in this section, by Pub. L. 104-1, title V, §504(a)(5), Jan. 23, 1995, 109 Stat. 41.

Section 1831(e) of this title, referred to in subsec. (b), was repealed, except as provided in this section, by Pub. L. 104-1, title V, §504(c)(1), Jan. 23, 1995, 109 Stat. 41.

CHANGE OF NAME

General Accounting Office redesignated Government Accountability Office. See section 8 of Pub. L. 108-271, set out as a note under section 702 of Title 31, Money and Finance.

§ 1436. Repealed. Pub. L. 106-57, title III, § 313, Sept. 29, 1999, 113 Stat. 428

Section, Pub. L. 104-1, title V, §507, Jan. 23, 1995, 109 Stat. 43; Pub. L. 105-275, title I, §12, Oct. 21, 1998, 112 Stat. 2436, related to use of frequent flyer miles.

§ 1437. Sense of Senate regarding adoption of simplified and streamlined acquisition procedures for Senate acquisitions

It is the sense of the Senate that the Committee on Rules and Administration of the Senate should review the rules applicable to purchases by Senate offices to determine whether they are consistent with the acquisition simplification and streamlining laws enacted in the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355).

(Pub. L. 104-1, title V, §508, Jan. 23, 1995, 109 Stat. 44.)

REFERENCES IN TEXT

The Federal Acquisition Streamlining Act of 1994, referred to in text, is Pub. L. 103-355, Oct. 13, 1994, 108 Stat. 3243. For complete classification of this Act to the Code, see Short Title of 1994 Amendment note set out under section 251 of Title 41, Public Contracts, and Tables.

§ 1438. Severability

If any provision of this chapter or the application of such provision to any person or circumstance is held to be invalid, the remainder of this chapter and the application of the provisions of the remainder to any person or circumstance shall not be affected thereby.

(Pub. L. 104-1, title V, §509, Jan. 23, 1995, 109 Stat. 44.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 104-1, Jan. 23, 1995, 109 Stat. 3, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

CHAPTER 25—UNFUNDED MANDATES REFORM

- Sec.
- 1501. Purposes.
- 1502. Definitions.
- 1503. Exclusions.
- 1504. Agency assistance.

SUBCHAPTER I—LEGISLATIVE ACCOUNTABILITY AND REFORM

- 1511. Cost of regulations.
 - (a) Sense of Congress.
 - (b) Statement of cost.
 - (c) Cooperation of Office of Management and Budget.
- 1512. Consideration for Federal funding.
- 1513. Impact on local governments.
 - (a) Findings.
 - (b) Sense of Senate.
- 1514. Enforcement in House of Representatives.
 - (a) Omitted.
 - (b) Committee on Rules reports on waived points of order.
- 1515. Exercise of rulemaking powers.
- 1516. Authorization of appropriations.

SUBCHAPTER II—REGULATORY ACCOUNTABILITY AND REFORM

- 1531. Regulatory process.
- 1532. Statements to accompany significant regulatory actions.
 - (a) In general.
 - (b) Promulgation.
 - (c) Preparation in conjunction with other statement.
- 1533. Small government agency plan.
 - (a) Effects on small governments.
 - (b) Authorization of appropriations.
- 1534. State, local, and tribal government input.
 - (a) In general.
 - (b) Meetings between State, local, tribal and Federal officers.
 - (c) Implementing guidelines.
- 1535. Least burdensome option or explanation required.
 - (a) In general.
 - (b) Exception.
 - (c) OMB certification.
- 1536. Assistance to Congressional Budget Office.
- 1537. Pilot program on small government flexibility.
 - (a) In general.
 - (b) Program focus.
- 1538. Annual statements to Congress on agency compliance.

SUBCHAPTER III—REVIEW OF FEDERAL MANDATES

- 1551. Baseline study of costs and benefits.
 - (a) In general.
 - (b) Considerations.
- 1552. Report on Federal mandates by Advisory Commission on Intergovernmental Relations.
 - (a) In general.
 - (b) Criteria.
 - (c) Preliminary report.
 - (d) Final report.
 - (e) Priority to mandates that are subject of judicial proceedings.
 - (f) “State mandate” defined.
- 1553. Special authorities of Advisory Commission.
 - (a) Experts and consultants.
 - (b) Detail of staff of Federal agencies.
 - (c) Administrative support services.
 - (d) Contract authority.
- 1554. Annual report to Congress regarding Federal court rulings.
- 1555. “Federal mandate” defined.

1556. Authorization of appropriations.
SUBCHAPTER IV—JUDICIAL REVIEW
1571. Judicial review.
(a) Agency statements on significant regulatory actions.
(b) Judicial review and rule of construction.

§ 1501. Purposes

The purposes of this chapter are—

(1) to strengthen the partnership between the Federal Government and State, local, and tribal governments;

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

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting State, local, and tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate and the House of Representatives before the Senate and the House of Representatives vote on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance;

(5) to require that Congress consider whether to provide funding to assist State, local, and tribal governments in complying with Federal mandates, to require analyses of the impact of private sector mandates, and through the dissemination of that information provide informed and deliberate decisions by Congress and Federal agencies and retain competitive balance between the public and private sectors;

(6) to establish a point-of-order vote on the consideration in the Senate and House of Representatives of legislation containing significant Federal intergovernmental mandates without providing adequate funding to comply with such mandates;

(7) to assist Federal agencies in their consideration of proposed regulations affecting State, local, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of State, local, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider estimates of the budgetary impact of regulations containing Federal mandates upon State, local, and tribal governments and the private sector before adopting such regulations, and ensuring that small governments are given special consideration in that process; and

(8) to begin consideration of the effect of previously imposed Federal mandates, includ-

ing the impact on State, local, and tribal governments of Federal court interpretations of Federal statutes and regulations that impose Federal intergovernmental mandates.

(Pub. L. 104-4, §2, Mar. 22, 1995, 109 Stat. 48.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 104-4, Mar. 22, 1995, 109 Stat. 48, known as the Unfunded Mandates Reform Act of 1995. For complete classification of this Act to the Code, see Short Title note below and Tables.

SHORT TITLE

Section 1 of Pub. L. 104-4 provided that: “This Act [enacting this chapter and sections 658 to 658g of this title, amending sections 602, 632, and 653 of this title, and enacting provisions set out as notes under sections 1511 and 1531 of this title] may be cited as the ‘Unfunded Mandates Reform Act of 1995’.”

§ 1502. Definitions

For purposes of this chapter—

(1) except as provided in section 1555 of this title, the terms defined under section 658 of this title shall have the meanings as so defined; and

(2) the term “Director” means the Director of the Congressional Budget Office.

(Pub. L. 104-4, §3, Mar. 22, 1995, 109 Stat. 49.)

§ 1503. Exclusions

This chapter shall not apply to any provision in a bill, joint resolution, amendment, motion, or conference report before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

(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, or tribal government or any official of a State, local, or tribal 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) relates to the old-age, survivors, and disability insurance program under title II of the Social Security Act [42 U.S.C. 401 et seq.] (including taxes imposed by sections 3101(a) and 3111(a) of title 26 (relating to old-age, survivors, and disability insurance)).

(Pub. L. 104-4, §4, Mar. 22, 1995, 109 Stat. 49.)

REFERENCES IN TEXT

The Social Security Act, referred to in par. (7), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title II of the Act is classified generally to subchapter II (§401 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.