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**STATEMENT OF REPRESENTATIVE GARY A. CONDIT
REGARDING S. 389, THE MANDATES INFORMATION ACT
BEFORE THE SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS**

Mr. Chairman, thank you for allowing me the opportunity to submit written remarks in support of S. 389, the Mandates Information Act. As you know, Rep. Rob Portman and I authored companion legislation which was recently approved by the House of Representatives by a 2 to 1 margin.

This bill is straight forward and builds on the successes of the Unfunded Mandate Reform Act (UMRA). By extending the point of order procedure to the private sector, we ensure all Members have a chance to debate the merits and costs of a particular mandate.

Some have questioned the need of a point of order since the Congressional Budget Office (CBO) already estimates the costs of private sector mandates. Estimating the costs has not been enough. Throughout this debate, the CBO has testified that committees and their staff tend to pay less attention to costs imposed on the private sector than those imposed on the public sector, due to the lack of a point of order procedure for private sector mandates. The possibility of a point of order being raised against a bill demands attention.

The point of order procedure does not prevent legislation with private or public sector costs from passing, it only ensures an open debate of the costs and benefits. Some opponents of this bill have claimed that it will be used as a tool for delay and mischief. Experience tells this not to be the case. In fact, under the Unfunded Mandate Reform Act a point of order has only been raised five times.

In addition to extending the same protection the public sector enjoys to the private sector, an important technical correction to UMRA was included in the bill passed by the House on May 19. This amendment is similar to S. 2068, which restores the original intent of UMRA. I would respectfully request the Committee to include this correction in S. 389, the Private Sector Mandates Relief Act.

Again, thank you for the opportunity to testify.