

CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA

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TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES:

The U.S. Chamber of Commerce supports H.R. 50, the “Unfunded Mandates Information and Transparency Act of 2017.”

The Unfunded Mandates Reform Act of 1995 (UMRA) was designed to restrain the imposition of unfunded federal mandates on state, local, and tribal governments, and the private sector, primarily by providing more information and focusing more attention on potential federal mandates in legislation and regulations. Before promulgating a final rule, UMRA requires agencies to undertake a qualitative and quantitative assessment of the anticipated costs and benefits of the federal mandate. For rules costing over \$100 million, UMRA requires the agency to identify and consider a reasonable number of regulatory alternatives and select the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. Alternatively, the head of the agency must publish, with the final rule, an explanation of why the least costly, most cost-effective, or least burdensome method of achieving the rule’s objectives was not chosen.

In practice, however, agencies routinely engineer the regulatory process to avoid UMRA’s requirements. The Government Accountability Office has found that many statutes and final rules containing significant unfunded mandates were enacted or published without being identified as federal mandates at or above UMRA’s thresholds. Worst of all, there is no mechanism to obtain meaningful judicial review for UMRA violations, so agencies can easily get away with skirting the law’s requirements.

H.R. 50 would fix many of these problems, by closing loopholes that agencies use to circumvent UMRA, providing for enhanced stakeholder participation, and providing for meaningful UMRA oversight and judicial review. The bill would also enhance the ability of Congress to identify unfunded mandates in legislation it considers.

The Chamber urges you to vote in favor of this bipartisan legislation.

Sincerely,



Neil L. Bradley