

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

R. BRUCE JOSTEN
EXECUTIVE VICE PRESIDENT
GOVERNMENT AFFAIRS

1615 H STREET, N.W.
WASHINGTON, D.C. 20062-2000
202/463-5310

July 22, 2013

The Honorable Darrell E. Issa
Chairman
Committee on Oversight and
Government Reform
U.S. House of Representatives
Washington, DC 20515

The Honorable Elijah Cummings
Ranking Member
Committee on Oversight and
Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Issa and Ranking Member Cummings:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system, supports H.R. 899, the "Unfunded Mandates Information and Transparency Act of 2013."

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. 899 would fix many of these problems. It would close loopholes that agencies use to circumvent UMRA, provide for enhanced stakeholder participation, and provide 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, and to report it to the full House as expeditiously as practicable.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Bruce Josten". The signature is fluid and cursive, with the first name "R." and last name "Josten" being the most prominent parts.

R. Bruce Josten

cc: The Members of the House Committee on Oversight and Government Reform