

UNFUNDED MANDATES ACCOUNTABILITY AND
TRANSPARENCY ACT OF 2025

JANUARY 13, 2026.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. COMER, from the Committee on Oversight and Government
Reform, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 580]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom
was referred the bill (H.R. 580) to amend the Unfunded Mandates
Reform Act of 1995 to provide for regulatory impact analyses for
certain rules, and for other purposes, having considered the same,
reports favorably thereon with an amendment and recommends
that the bill as amended do pass.

CONTENTS

	Page
Summary and Purpose of Legislation	6
Background and Need for Legislation	6
Section-by-Section Analysis	11
Legislative History	12
Committee Consideration	12
Roll Call Votes	12
Explanation of Amendments	24
List of Related Committee Hearings	24
Statement of Oversight Findings and Recommendations of the Committee	25
Statement of General Performance Goals and Objectives	25
Application of Law to the Legislative Branch	25
Duplication of Federal Programs	25
Federal Advisory Committee Act Statement	25
Unfunded Mandates Reform Act Statement	25
Earmark Identification	25
Committee Cost Estimate	26

New Budget Authority and Congressional Budget Office Cost Estimate	26
Changes in Existing Law Made by the Bill, as Reported	30
Minority Views	47

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Unfunded Mandates Accountability and Transparency Act of 2025”.

SEC. 2. REGULATORY IMPACT ANALYSES FOR CERTAIN RULES.

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) is amended—

- (1) by striking “tribal” each place that term appears and inserting “Tribal”;
- (2) in section 3 (2 U.S.C. 1502)—

- (A) in paragraph (1), by striking “and” at the end;
- (B) in paragraph (2), by striking the period at the end and inserting “; and”; and
- (C) by adding at the end the following:

“(3) the term ‘major rule’ means a rule, as defined in section 551 of title 5, United States Code, that the Administrator of the Office of Information and Regulatory Affairs determines is likely to cause—

“(A) an annual effect on the economy of \$100,000,000 or more, adjusted once every 5 years to reflect increases in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics of the Department of Labor;

“(B) a major increase in costs or prices for consumers, individual industries, Federal, State, local, or Tribal government agencies, or geographic regions; or

“(C) significant adverse effects on competition, employment, investment, productivity, innovation, public health and safety, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.”; and

- (3) in section 202 (2 U.S.C. 1532)—

(A) by striking the section heading and inserting the following:

“SEC. 202. REGULATORY IMPACT ANALYSES FOR CERTAIN RULES.”;

(B) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(C) by striking subsection (a) and inserting the following:

“(a) **DEFINITION OF COST.**—In this section, the term ‘cost’ means the cost of compliance and any reasonably foreseeable indirect costs, including revenues lost, as a result of a major rule of an agency that is subject to this section.

“(b) **REGULATORY IMPACT ANALYSES.**—

“(1) **REQUIREMENT.**—Before promulgating any proposed or final major rule, the agency promulgating the major rule shall prepare and publish in the Federal Register an initial and final regulatory impact analysis with respect to the major rule.

“(2) **INITIAL REGULATORY IMPACT ANALYSIS.**—An initial regulatory impact analysis required under paragraph (1) shall—

“(A) accompany the notice of proposed rulemaking with respect to the major rule that is the subject of the analysis; and

“(B) be open to public comment.

“(3) **FINAL REGULATORY IMPACT ANALYSIS.**—A final regulatory impact analysis required under paragraph (1) shall accompany the final major rule that is the subject of the analysis.

“(c) **CONTENT.**—Each initial and final regulatory impact analysis prepared and published under subsection (b) shall include, with respect to the major rule that is the subject of the analysis—

“(1)(A) an analysis of the anticipated benefits and costs of the major rule, which shall be quantified to the extent feasible;

“(B) an analysis of the benefits and costs of a reasonable number of regulatory alternatives within the range of the discretion of the agency under the statute authorizing the major rule, including alternatives that—

“(i) use incentives and market-based means to encourage the desired behavior;

“(ii) provide information based upon which the public can make choices;

or

- “(iii) employ other flexible regulatory options that permit the greatest flexibility in achieving the objectives of the statute authorizing the major rule; and
- “(C) an explanation of how the major rule complies with the requirements of section 205;
- “(2) an assessment of the extent to which—
 - “(A) the costs to State, local, and Tribal governments may be paid with Federal financial assistance (or otherwise paid for by the Federal Government); and
 - “(B) Federal resources are available to carry out the major rule;
- “(3) estimates of—
 - “(A) any disproportionate budgetary effects of the major rule upon any particular—
 - “(i) regions of the United States;
 - “(ii) State, local, or Tribal governments;
 - “(iii) types of communities, including urban or rural communities; or
 - “(iv) segments of the private sector; and
 - “(B) the effect of the major rule on job creation or job loss, which shall be quantified to the extent feasible; and
- “(4)(A) a description of the extent of the prior consultation of the agency under section 204 with elected representatives of each affected State, local, or Tribal government;
- “(B) a summary of the comments and concerns that were presented to the agency orally or in writing by State, local, or Tribal governments; and
- “(C) a summary of the evaluation by the agency of the comments and concerns described in subparagraph (B).”;
- “(D) in subsection (d), as so redesignated, by striking “a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement” and inserting “an analysis under subsection (b) is required, the agency promulgating the major rule shall include in the promulgation a summary of the information contained in the analysis”; and
- “(E) in subsection (e), as so redesignated, by striking “any statement required under subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a)” and inserting “any analysis required under subsection (b) in conjunction with, or as a part of, any other statement or analysis if the other statement or analysis satisfies the requirements of subsections (b) and (c)”.

SEC. 3. ENHANCED STAKEHOLDER CONSULTATION.

Section 204 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534) is amended—

- (1) in the section heading, by inserting “**AND PRIVATE SECTOR**” before “**INPUT**”;
- (2) in subsection (a)—
 - (A) by inserting “, and impacted parties within the private sector (including small businesses),” after “on their behalf”; and
 - (B) by striking “Federal intergovernmental mandates” and inserting “Federal mandates”; and
- (3) by amending subsection (c) to read as follows:

“(c) **GUIDELINES.**—For appropriate implementation of subsections (a) and (b) consistent with applicable laws and regulations, the following guidelines shall be followed:

 - “(1) Consultations shall take place as early as possible, before issuance of a notice of proposed rulemaking, continue through the final rule stage, and be integrated explicitly into the rulemaking process.
 - “(2) Agencies shall consult with a wide variety of State, local, and Tribal officials and impacted parties within the private sector (including small businesses). Geographic, political, and other factors that may differentiate varying points of view should be considered.
 - “(3) Agencies should estimate benefits and costs to assist with these consultations. The scope of the consultation should reflect the cost and significance of the Federal mandate being considered.
 - “(4) Agencies shall, to the extent practicable—
 - “(A) seek out the views of State, local, and Tribal governments, and impacted parties within the private sector (including small businesses), on costs, benefits, and risks; and

“(B) solicit ideas about alternative methods of compliance and potential flexibilities, and input on whether the Federal regulation will harmonize with and not duplicate similar laws in other levels of government.

“(5) Consultations shall address the cumulative impact of regulations on the affected entities.

“(6) Agencies may accept electronic submissions of comments by relevant parties but may not use those comments as the sole method of satisfying the guidelines in this subsection.”

SEC. 4. MAXIMIZE NET BENEFITS OR PROVIDE EXPLANATION.

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531 et seq.) is amended by striking section 205 (2 U.S.C. 1535) and inserting the following:

“SEC. 205. MAXIMIZE NET BENEFITS.

“(a) **DEFINITION OF COST.**—In this section, the term ‘cost’ has the meaning given the term in section 202(a).

“(b) **REQUIREMENT.**—Before promulgating any proposed or final major rule for which a regulatory impact analysis is required under section 202, an agency shall from the alternatives identified and considered under section 202(c)(1)(B), select the alternative that maximizes net benefits, taking into consideration only the costs and benefits that arise within the scope of the statutory provision that authorizes the rulemaking.

“(c) **EXCEPTIONS.**—An agency may adopt an alternative other than as required under subsection (b) only if—

“(1) the Administrator of the Office of Information and Regulatory Affairs approves the adoption by the agency of the alternative; and

“(2) the alternative is adopted to—

“(A) account for costs or benefits that cannot be quantified, including costs or benefits related to constitutional or civil rights, provided that the agency identifies all such costs and benefits and explains why those costs and benefits justify the adoption of the alternative; or

“(B) achieve additional benefits or cost reductions, provided that the agency—

“(i) identifies—

“(I) all such additional benefits and the associated costs of those benefits; and

“(II) all such cost reductions and the associated benefits of those cost reductions; and

“(ii) explains why—

“(I) the additional benefits justify the additional costs; or

“(II) the additional cost reductions justify any benefits foregone.”.

SEC. 5. NEW AUTHORITIES AND RESPONSIBILITIES FOR OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

Section 208 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1538) is amended to read as follows:

“SEC. 208. OFFICE OF INFORMATION AND REGULATORY AFFAIRS RESPONSIBILITIES.

“(a) **IN GENERAL.**—The Administrator of the Office of Information and Regulatory Affairs (in this section referred to as the ‘Administrator’) shall provide meaningful guidance and oversight so that the major rules of an agency for which a regulatory impact analysis is required under section 202—

“(1) are consistent with the principles and requirements of this title, as well as other applicable laws; and

“(2) and do not conflict with the policies or actions of another agency.

“(b) **NOTIFICATION.**—If the Administrator determines that the major rules of an agency for which a regulatory impact analysis is required under section 202 do not comply with the principles and requirements of this title, are not consistent with other applicable laws, or conflict with the policies or actions of another agency, the Administrator shall—

“(1) identify areas of noncompliance;

“(2) notify the agency; and

“(3) request that the agency comply before the agency finalizes the major rule concerned.

“(c) **ANNUAL STATEMENTS TO CONGRESS ON AGENCY COMPLIANCE.**—The Administrator shall submit to Congress, including the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives, an annual written report that, for the 1-year period preceding the report—

“(1) details compliance by each agency with the requirements of this title that relate to major rules for which a regulatory impact analysis is required by sec-

tion 202, including activities undertaken at the request of the Administrator to improve compliance; and

“(2) contains an appendix detailing compliance by each agency with section 204.”.

SEC. 6. INITIATION OF RULEMAKING.

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) is amended—

- (1) by redesignating section 209 (2 U.S.C. 1531 note) as section 210; and
- (2) by inserting after section 208 (2 U.S.C. 1548) the following:

“SEC. 209. INITIATION OF RULEMAKING FOR MAJOR RULES.

“When an agency determines to initiate a rulemaking that may result in a major rule, the agency shall—

“(1) establish an electronic docket for that rulemaking, which may have a physical counterpart; and

“(2) publish a notice of initiation of rulemaking in the Federal Register, which shall—

“(A) briefly describe the subject and objectives of, and the problem to be solved by, the major rule;

“(B) refer to the legal authority under which the major rule would be proposed, including the specific statutory provision that authorizes the rulemaking;

“(C) invite interested persons to propose alternatives and other ideas regarding how best to accomplish the objectives of the agency in the most effective manner;

“(D) indicate how interested persons may submit written material for the docket; and

“(E) appear in the Federal Register not later than 90 days before the date on which the agency publishes a notice of proposed rulemaking for the major rule.”.

SEC. 7. INCLUSION OF APPLICATION TO INDEPENDENT REGULATORY AGENCIES.

(a) **IN GENERAL.**—Section 421(1) of the Congressional Budget Act of 1974 (2 U.S.C. 658(1)) is amended by striking “, but does not include independent regulatory agencies”.

(b) **EXEMPTION FOR MONETARY POLICY.**—The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) is amended by inserting after section 5 the following:

“SEC. 6. EXEMPTION FOR MONETARY POLICY.

“Nothing in title II, III, or IV shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.”.

SEC. 8. JUDICIAL REVIEW.

Title IV of the Unfunded Mandates Reform Act of 1995 is amended by striking section 401 (2 U.S.C. 1571) and inserting the following:

“SEC. 401. JUDICIAL REVIEW.

“(a) **IN GENERAL.**—A person that is aggrieved by final agency action in adopting a major rule that is subject to section 202 is entitled to judicial review of whether the agency complied with section 202(b), 202(c)(1), or 205 with respect to the rule.

“(b) **SCOPE OF REVIEW.**—Chapter 7 of title 5, United States Code, shall govern the scope of judicial review under subsection (a).

“(c) **JURISDICTION.**—Each court that has jurisdiction to review a rule for compliance with section 553 of title 5, United States Code, or under any other provision of law, shall have jurisdiction to review a claim brought under subsection (a).

“(d) **RELIEF AVAILABLE.**—In granting relief in an action under this section, a court shall order the agency that promulgated the major rule that is under review to take remedial action consistent with chapter 7 of title 5, United States Code.”.

SEC. 9. APPLYING SUBSTANTIVE POINT OF ORDER TO PRIVATE SECTOR MANDATES.

Section 425(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 658d(a)(2)) is amended—

(1) by striking “Federal intergovernmental mandates” and inserting “Federal mandates”; and

(2) by striking “section 424(a)(1)” and inserting “subsection (a)(1) or (b)(1) of section 424”.

SEC. 10. EFFECTIVE DATE.

Sections 3, 4, 5, and 7 of this Act and the amendments made by those sections shall take effect on the date that is 120 days after the date of enactment of this Act.

SUMMARY AND PURPOSE OF LEGISLATION

H.R. 580 amends the Unfunded Mandates Reform Act of 1995 (UMRA) to lower the burdens imposed by federal regulatory mandates upon states, local governments, tribal governments, and the private sector; increase public participation in, and the accountability and transparency of, the federal regulatory process; and enhance congressional tools to check against the imposition of excessively burdensome regulatory mandates upon the private sector. The bill requires federal agencies to prepare, take public comment on, and publish regulatory impact analyses—including analyses of costs, benefits, alternatives, disproportionate impacts, and effects on jobs—for major rules that mandate economic impacts of \$100 million or more, present major increases in costs or prices, or have significant adverse effects on competition, employment, or markets. Initial assessments must be published in the Federal Register for public comment when agencies issue notices of proposed rulemaking; final analyses must accompany notices of final rulemaking. The bill also requires earlier and enhanced public participation in major rulemakings; generally requires final major rules to lower costs by maximizing net benefits; exposes to substantive points of order under the Congressional Budget Act of 1974 legislation that would impose private sector mandates; and brings independent agencies under UMRA’s requirements.

BACKGROUND AND NEED FOR LEGISLATION

The current estimated burden of federal regulation—*i.e.*, unfunded federal regulatory mandates—exceeds \$2 trillion, as calculated conservatively by the Competitive Enterprise Institute (CEI).¹ As CEI has observed, “if it were a country, U.S. regulation would be the world’s eighth-largest economy (not counting the United States itself), ranking behind the Russian Federation and ahead of Canada.”²

A substantial portion of this burden falls upon state, local and tribal governments; most of it falls on private sector entities. In the end, these burdens fall upon taxpayers and consumers, to whom these crushing costs ultimately are passed. They amount to a stunning figure for each U.S. household. CEI estimates that “U.S. households pay on average \$16,016 annually in a hidden regulatory tax, which consumes 16 percent of income and 21 percent of household expenses.”³

For several terms of Congress, reform to lower these burdens and improve the accountability and transparency of the federal rulemaking process has been pursued through legislation introduced by Representative Virginia Foxx (R–NC) to strengthen the Unfunded Mandates Reform Act of 1995. The original act was enacted to curb the federal government from imposing costly unfunded mandates on states, localities and tribal governments and was later amended to protect the private sector from costly new federal mandates.⁴ Bills to strengthen the original act began with the Unfunded Man-

¹ Clyde Wayne Crews Jr., *Ten Thousand Commandments: An Annual Snapshot of the Federal Regulatory State*, COMPETITIVE ENTERPRISE INST., at 6 (2025), available at https://cei.org/wp-content/uploads/2025/04/10K_2025_v5.pdf.

² *Id.* at 7.

³ *Id.* at 6.

⁴ Pub. L. 104–4, codified at 2 U.S.C. sec. 1501, *et seq.*

dates Information and Transparency Act, first introduced during the 110th Congress, and have continued through the successive iterations of that bill and, later, the Unfunded Mandates Accountability and Transparency Act, first introduced during the 116th Congress.⁵ The Committee incorporates by reference its prior reports regarding these bills and the need for them.⁶

Despite the necessity of this legislation in preceding years, the Biden Administration’s aggressive regulatory approach demonstrated that this legislation is increasingly necessary. Upon assuming office on January 20, 2021, the Biden Administration pursued a “whole-of-government” regulatory blowout, substantially implemented through the mandates of several key Executive Orders (E.O.), such as E.O. 13990 and E.O. 14008 focused on climate, E.O. 14025 focused on unionization, and E.O. 14036 focused on competition.⁷ Agencies across the government created new, costly, unfunded mandates through new regulations, particularly major regulations.⁸

According to the Foundation for Government Accountability (FGA), President Biden’s administration approved more than \$200 billion in new regulatory costs during its first year in office, more than four times what President Obama’s approved during the same period.⁹ For comparison, estimated new regulatory costs for Fiscal Year (FY) 2021 exceeded the FY 2021 congressional discretionary budget by about \$400 billion.¹⁰ According to the American Action Forum (AAF), the regulatory burdens the Biden Administration imposed in its first two years vastly exceeded those imposed by the two previous administrations, with “\$318 billion in total costs and more than 218 million hours of paperwork” from just those rules for which cost or paperwork estimates were prepared, as can be seen in the following table compiled by AAF:¹¹

Administration	Rules	Costs (\$ Billions)	Paperwork (hours)
Biden	517	318.4	218,052,445
Trump	564	–2.0	18,600,331
Obama	740	208.7	131,258,750

⁵ See H.R. 6964 (110th Congress); H.R. 2255 (111th Congress); H.R. 373 (112th Congress); H.R. 899 (113th Congress); H.R. 50 (114th Congress); H.R. 50 (115th Congress); H.R. 300 (116th Congress); H.R. 7332 (116th Congress); H.R. 701 (117th Congress); H.R. 3230 (118th Congress); and the instant legislation, H.R. 580 (119th Congress).

⁶ H. Rept. 112–483 (May 16, 2012); H. Rept. 113–352 (Feb. 14, 2014); H. Rept. 114–011 (Feb. 2, 2015); H. Rept. 115–798 (June 29, 2018); and H. Rpt. 118–906 (Dec. 18, 2024).

⁷ 86 Fed. Reg. 7037 (Jan. 20, 2021); 86 Fed. Reg. 22829 (Apr. 29, 2021); and 86 Fed. Reg. 36987 (July 14, 2021).

⁸ H.R. 580 defines a major regulation as one that “the Administrator of the Office of Information and Regulatory Affairs determines is likely to cause—

(A) an annual effect on the economy of \$100,000,000 or more, adjusted once every 5 years to reflect increases in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics of the Department of Labor;

(B) a major increase in costs or prices for consumers, individual industries, Federal, State, local, or Tribal government agencies, or geographic regions; or

(C) significant adverse effects on competition, employment, investment, productivity, innovation, public health and safety, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.”

⁹ FGA, *See for Yourself: Biden’s Regulatory Spree is Out of Control*, THE FOUND. FOR GOV’T ACCOUNTABILITY (May 2, 2023), available at <https://thefga.org/one-pagers/see-for-yourself-bidens-regulatory-spree-is-out-of-control>.

¹⁰ *Id.*

¹¹ Dan Goldbeck, *Tracking the Regulatory Record of Recent Administrations at the Halfway Point*, American Action Forum (Feb. 7, 2023), available at <https://www.americanactionforum.org/insight/tracking-the-regulatory-record-of-recent-administrations-at-the-halfway-point>.

AAF estimated that the costs of all new federal regulations promulgated between 2021 and November 1, 2024, as the Biden Administration was drawing to a close, totaled a staggering \$1.8 trillion, as reflected in the following table:¹²

TRACKING THE ADMINISTRATIONS REGULATORY ACTIVITY FROM INAUGURATION DAY TO NOVEMBER 1st (Year 4)			
	FINAL RULES	FINAL RULE COSTS	PAPERWORK HOURS
BIDEN 2021	1070	\$1.8T	339.5M
TRUMP 2017	1180	\$3B	292.7M
OBAMA 2009	1439	\$490.5B	281.5M
LAST UPDATED: NOVEMBER 1st, 2024 AMERICANACTIONFORUM.ORG			

By the end of 2024, the Biden Administration had pushed the total up even further, to \$1.9 trillion.¹³

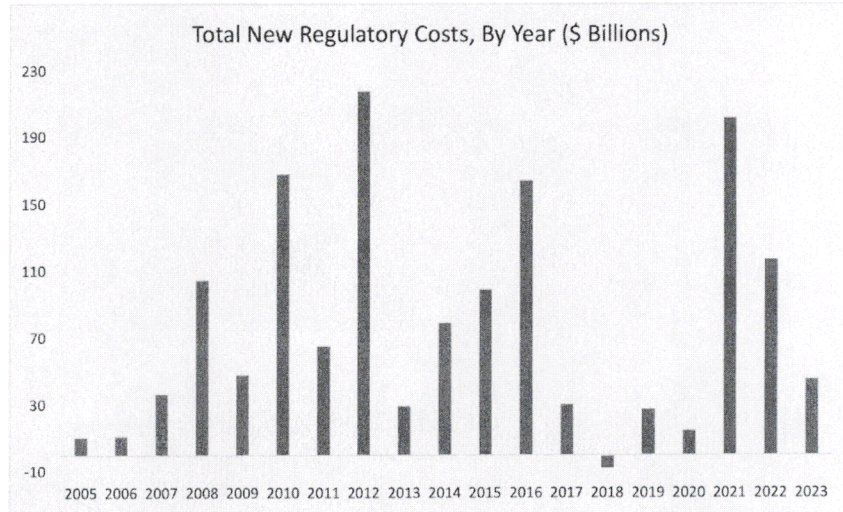
This rapid growth in power, authority, and regulatory costs from the Executive Branch has significant impacts, not only for those upon whom unfunded regulatory mandates are imposed directly, but for consumers everywhere. The most impacted are low-income communities (*e.g.*, through increased electricity and vehicle costs), retirees, and investors (*e.g.*, through the Biden Administration's climate disclosure and Environmental, Social, and Governance (ESG) rules impacting returns).

The increase in unfunded regulatory mandates under the Biden Administration occurred on top of the massive, cumulative federal regulatory burdens already imposed over preceding decades. Those burdens are portrayed in the following graph provided to the Committee on the Budget in Congressional testimony from AAF:¹⁴

¹² *Tracking the Administrations 11.1.24*, AMERICAN ACTION FORUM (last accessed June 25, 2025), available at <https://www.americanactionforum.org/week-in-regulation/an-active-end-to-october/tracking-the-administrations-1-11-24/>.

¹³ *Regulation Rodeo: Explore the Data*, AMERICAN ACTION FORUM (last accessed June 25, 2025), available at <https://regrodeo.com/>.

¹⁴ Douglas Holtz-Eakin, *Testimony on: Regulatory Burdens and Economic Growth*, AMERICAN ACTION FORUM (May 24, 2023), available at <https://www.americanactionforum.org/testimony/testimony-on-regulatory-burdens-and-economic-growth/>.



Small businesses—the backbone of American communities and job creation—have borne much of both this cumulative burden and the brunt of the Biden Administration’s regulatory overreach. Protection of small businesses from regulatory overreach is especially important. A study performed in 2014, for example, showed that small manufacturers already bear more than three times the average regulatory burden per employee than does the average U.S. business.¹⁵

The level of Biden Administration overreach was harmful enough but adding to the problem were the numerous major “transformative” regulations the Administration pursued under President Biden’s climate and other “whole-of-government” executive orders. These rules represented nationwide industrial policymaking of the kind rarely seen since the New Deal. Leading the way on this front were major new environmental rules from the U.S. Environmental Protection Agency (EPA), including, for example, the following sectors:

- Transportation—forcing by 2032 a massive shift of light-, medium-, and heavy-duty vehicles from use of internal combustion engines to fully electric battery power;¹⁶
- Manufacturing—revising National Ambient Air Quality Standards for particulate matter (*e.g.*, soot) down to levels that could force 40 percent of the U.S. population into Clean Air Act non-attainment areas, meaning development for new manufacturing and other purposes that generate emissions in those areas would be severely restrained;¹⁷

¹⁵ W. Mark Crain and Nicole V. Crain, *The Cost of Regulation to the U.S. Economy, Manufacturing, and Small Business: a Report to the National Association of Manufacturers* at 2–3 (2014).

¹⁶ *Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles*, 89 Fed. Reg. 50234 (June 13, 2024).

¹⁷ *Reconsideration of the National Ambient Air Quality Act Standards for Particulate Matter*, 89 Fed. Reg. 6202 (Mar. 6, 2024).

- Water and Land Use—redefining “navigable waters” under the Clean Water Act to vastly extend EPA permitting requirements to lands throughout the country;¹⁸ and
- Power Generation—clamping down on emissions from fossil-fuel-fired power plants to force out of the market electricity generation from fossil fuels.¹⁹

The Biden EPA was not the only agency pursuing such transformational rules. The Securities and Exchange Commission (SEC) and the Federal Acquisition Regulatory (FAR) Council during the Biden Administration pursued greenhouse gas emission disclosure rules to force ESG climate-action agendas across publicly traded companies and federal contractors.²⁰ The Biden Department of Energy (DOE) pursued a host of restrictive energy efficiency standards for gas-fired home appliances as part of its contribution to the Administration’s whole-of-government offensive against fossil fuels.²¹ And the Biden Administration pursued regulations in the federal contracting system, not only to push ESG climate-disclosure rules into the economy, but to put a massive thumb on the scale to discriminate in favor of union labor through a rule to require union labor on major federal and federally-funded construction projects.²²

Testimony received by the Committee indicates that, in just its first two years, the Biden Administration’s new regulations imposed approximately \$10,000 per U.S. household in new regulatory burdens.²³ Still more alarming, the Biden Administration was predicted to be on a pace that could have, if the Administration had been given two full terms, resulted in approximately \$60,000 per household in new regulatory costs.²⁴ At the same time, witnesses before the Committee confirmed that the instant legislation, if enacted, could stem this regulatory tide by strengthening the Unfunded Mandates Reform Act of 1995, such as by improving agency analysis of the costs of proposed new regulatory mandates and strengthening judicial review.²⁵ It has never been more important than now to pass the reforms contained in H.R. 580 to prevent the Executive Branch’s unreasonable imposition of unfunded regulatory mandates.

¹⁸ Revised Definition of “Waters of the United States,” 88 Fed. Reg. 3004 (Jan. 18, 2023).

¹⁹ *New Source Performance Standards for Greenhouse Gas Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions from Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule*, 89 Fed. Reg. 39798 (May 9, 2024).

²⁰ See *Federal Acquisition Regulation: Disclosure of Greenhouse Gas Emissions and Climate-Related Financial Risk*, 87 Fed. Reg. 68312 (Nov. 14, 2022); see also *The Enhancement and Standardization of Climate-Related Disclosures for Investors*, 87 Fed. Reg. 21334 (April 11, 2022).

²¹ See, e.g., *Energy Conservation Program: Energy Conservation Standards for Consumer Conventional Cooking Products*, 88 Fed. Reg. 6818 (Feb. 1, 2023).

²² *Federal Acquisition Regulation: Use of Project Labor Agreements for Federal Construction Projects*, 88 Fed. Reg. 88708 (Dec. 23, 2023).

²³ Statement of Prof. Casey Mulligan, Univ. of Chicago, *H. Comm. on Oversight and Accountability, Hearing on “Death by a Thousand Regulations: The Biden Administration’s Campaign to Bury America in Red Tape,”* at 4 (June 14, 2023).

²⁴ *Id.*

²⁵ Transcript, *H. Comm. on Oversight and Accountability, Hearing on “Death by a Thousand Regulations: The Biden Administration’s Campaign to Bury America in Red Tape,”* at 39–41 (June 14, 2023); see also Statement of Adam J. White, Senior Fellow, American Enterprise Institute, and Co-Executive Director, Antonin Scalia Law School’s C. Boyden Gray Center for Study of the Administrative State, *H. Comm. on Oversight and Accountability, Hearing on “Death by a Thousand Regulations: The Biden Administration’s Campaign to Bury America in Red Tape,”* at 20 (June 14, 2023).

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

The short title is the “Unfunded Mandates Accountability and Transparency Act of 2025”.

Section 2. Regulatory analyses for certain rules

Requires initial and final Regulatory Impact Analyses (RIAs) for new major rules. RIAs must address costs, benefits, alternatives, disproportionate impacts on states, localities and tribal governments, and jobs impacts. Defines major rules consistently with 5 U.S.C. sec. 804 (Congressional Review Act), adding a five-year inflation adjuster.

Section 3. Enhanced stakeholder consultation

Requires early stakeholder consultation (*i.e.*, before issuance of notices of proposed rulemaking) on regulatory proposals containing significant federal mandates to states, localities, tribal governments or the private sector. Consultations must include representatives of states, localities, tribal governments, and the private sector, be informed by estimates of costs, benefits and risks, continue throughout the rulemaking process, and include consideration of alternative methods of compliance, cumulative regulatory impacts on affected entities, and whether federal regulation would harmonize with and not duplicate similar laws at other levels of government.

Section 4. Maximize net benefits or provide explanation

For major rules, generally requires agencies to adopt the regulatory alternative that maximizes net benefits (*i.e.*, achieves the greatest benefits at the lowest costs), considering only the costs and benefits within the scope of the statutory provision authorizing the rulemaking (*i.e.*, excluding consideration of collateral benefits). Allows for exceptions, subject to the approval of the Administrator of the Office of Information and Regulatory Affairs, to account for costs or benefits that cannot be quantified (*e.g.*, constitutional or civil rights) or to achieve additional benefits that can be cost-justified.

Section 5. New authorities and responsibilities for Office of Information and Regulatory Affairs

Requires the Office of Information and Regulatory Affairs (OIRA) to oversee whether major rules are consistent with the Act and other laws and do not conflict with other agencies’ policies or actions. Requires OIRA to notify the agency and request compliance before a major rule is finalized if it determines the agency has not met these requirements. Requires OIRA to submit an annual report to Congress detailing agency compliance with sections 202 and 204 of the *Unfunded Mandates Reform Act of 1995*.

Section 6. Initiation of rulemaking

Requires agencies to issue notices of initiation of rulemaking and take early public comment on alternatives that could accomplish agency goals when agencies determine to take action that may require major rules. Requires notices of initiation to be issued at least 90 days before any subsequent notices of proposed rule-

making. Requires establishment of electronic dockets for covered rulemakings.

Section 7. Inclusion of independent agencies

Extends application of the Unfunded Mandates Reform Act of 1995 to independent agencies. Exempts rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

Section 8. Judicial review

Amends Title IV of UMRA (2 U.S.C. 1571) by replacing section 401 (Judicial Review) with a new section authorizing judicial review of agency compliance with the bill's requirements to analyze costs, benefits, and regulatory alternatives and choose the alternative that maximizes net benefits. Permits courts to order remedial action consistent with chapter 7 of title 5.

Section 9. Applying substantive point of order to private sector mandates

Amends sec. 425(a)(2) of the Congressional Budget Act of 1974 to expose to substantive points of order legislation that would impose private sector mandates.

Section 10. Effective date

Provides that sections 3, 4, 5, and 7 of the Act and the amendments made by those sections shall take effect on the date that is 120 days after the date of the Act's enactment.

LEGISLATIVE HISTORY

H.R. 580, the Unfunded Mandates Accountability and Transparency Act was introduced on January 21, 2025, by Representative Virginia Foxx (R-NC). The bill was referred to the Committee on Oversight and Government Reform, with the Committee on Rules, the Committee on the Budget, and the Committee on the Judiciary receiving secondary referrals. The following Representatives are cosponsors of the bill: Henry Cuellar (D-TX), Jared Golden (D-ME), Ashley Hinson (R-IA), and Pete Sessions (R-TX). The Committee on Oversight and Government Reform held hearings on February 5, February 26, April 1, April 29, and May 20, 2025, used to develop or consider the bill. The Committee considered H.R. 580 at a business meeting on May 21, 2025, and ordered the bill as amended favorably reported by a recorded vote.

COMMITTEE CONSIDERATION

On May 21, 2025, the Committee met in open session and ordered the bill, H.R. 580, favorably reported with an amendment in the nature of a substitute, by a roll call vote of 23–19, a quorum being present.

ROLL CALL VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the following roll call vote occurred during the Committee's consideration of H.R. 580:

The roll call vote was on final passage of H.R. 580. The bill was agreed to in a recorded vote of 23–19.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

119TH CONGRESS

RATIO 26-21

ROLL CALL

Vote on: Final Passage – H.R. 580, the Unfunded Mandates Accountability and Transparency Act

Date: 5/21/2025

VOTE #: 7

Republicans	Aye	No	Present	Democrats	Aye	No	Present
MR. COMER (KY) (Chairman)	X			MR. CONNOLLY (VA) (Ranking Member)			
MR. JORDAN (OH)				MS. NORTON (DC)		X	
MR. TURNER (OH)	X			MR. LYNCH (MA)		X	
MR. GOSAR (AZ)	X			MR. KRISHNAMOORTHY (IL)		X	
MS. FOXX (NC)				MR. KHANNA (CA)		X	
MR. GROTHMAN (WI)	X			MR. MFUME (MD)		X	
MR. CLOUD (TX)	X			MS. BROWN (OH)		X	
MR. PALMER (AL)	X			MS. STANSBURY (NM)		X	
MR. HIGGINS (LA)	X			MR. GARCIA (CA)		X	
MR. SESSIONS (TX)	X			MR. FROST (FL)		X	
MR. BIGGS (AZ)	X			MS. LEE of PENNSYLVANIA (PA)		X	
MS. MACE (SC)	X			MR. CASAR (TX)		X	
MR. FALLON (TX)	X			MS. CROCKETT (TX)		X	
MR. DONALDS (FL)				MS. RANDALL (WA)			
MR. PERRY (PA)	X			MR. SUBRAMANYAM (VA)		X	
MR. TIMMONS (SC)	X			MS. ANSARI (AZ)		X	
MR. BURCHETT (TN)	X			MR. BELL (MO)		X	
MS. GREENE OF GEORGIA (GA)	X			MS. SIMON (CA)		X	
MS. BOEBERT (CO)	X			MR. MIN (CA)		X	
MRS. LUNA (FL)	X			MS. PRESSLEY (MA)		X	
MR. LANGWORTHY (NY)	X			MS. TLAIB (MI)		X	
MR. BURLISON (MO)	X						
MR. CRANE (AZ)	X						
MR. JACK (GA)	X						
MR. MCGUIRE (VA)	X						
MR. GILL (TX)	X						

Roll Call Totals:

Ayes: 23

Nays: 19

Present:

Passed: X

Failed: _____

VIRGINIA FOXX, NORTH CAROLINA
CHAIRWOMAN

MICHELLE FISCHBACH, MINNESOTA
RALPH NORMAN, SOUTH CAROLINA
CHIP ROY, TEXAS
ERIN HOUCHER, INDIANA
NICK LANGWORTHY, NEW YORK
AUSTIN SCOTT, GEORGIA
MORGAN GRIFFITH, VIRGINIA
BRIAN JACK, GEORGIA

STEVE WADKIEWICZ, STAFF DIRECTOR
(202) 225-9191
www.rules.house.gov



Committee on Rules
U.S. House of Representatives
H-312 The Capitol
Washington, DC 20515-6269

ONE HUNDRED NINETEENTH
CONGRESS

JAMES P. MCGOVERN,
MASSACHUSETTS
RANKING MINORITY MEMBER

MARY GAY SCANLON, PENNSYLVANIA
JOE NEGUSE, COLORADO
TERESA LEGER FERNANDEZ, NEW MEXICO

DON SIBSON, MINORITY STAFF DIRECTOR

MINORITY OFFICE
H-152, THE CAPITOL
(202) 225-9091

November 19, 2025

The Honorable James Comer
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Comer:

On May 21, 2025, the Committee on Oversight and Government Reform ordered my legislation, H.R. 580, the Unfunded Mandates Accountability and Transparency Act of 2025, reported to the House. As you know, the Committee on Rules was granted an additional referral upon the bill's introduction pursuant to the Committee's jurisdiction under rule X of the Rules of the House of Representatives over the rules of the House.

I appreciate the Committee on Oversight and Government Reform's willingness to consider this important legislation and consult with my committee and, as such, I will waive consideration of the bill by the Committee on Rules. By agreeing to waive its consideration of the bill, the Committee on Rules does not waive its jurisdiction over H.R. 580. In addition, the Committee reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask your commitment to support any request by the Committee on Rules for conferees on H.R. 580 or related legislation.

I also request that you include our exchange of letters on this matter in the committee report to accompany H.R. 580 and in the *Congressional Record* during consideration of this legislation on the House floor. Thank you for your attention to these matters.

Sincerely,

Virginia Foxx
Chairwoman

cc: The Honorable Mike Johnson, Speaker, U.S. House of Representatives
The Honorable James P. McGovern, Ranking Member, Committee on Rules
The Honorable Robert Garcia, Ranking Member, Committee on Oversight and Government Reform
The Honorable Jason Smith, Parliamentarian

JAMES COMER, KENTUCKY
CHAIRMAN

ONE HUNDRED NINETEENTH CONGRESS

GERALD E. CONNOLLY, VIRGINIA
RANKING MINORITY MEMBER

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-6014
MINORITY (202) 225-6051
<https://oversight.house.gov>

December 19, 2025

The Honorable Virginia Foxx
Chairwoman
Committee on Rules
H-312, The Capitol
Washington, DC 20515

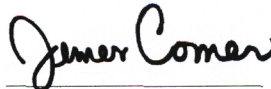
Dear Chairwoman Foxx:

Thank you for consulting with the Committee on Oversight and Government Reform and agreeing to be discharged from further consideration of H.R. 580, the "Unfunded Mandates Accountability and Transparency Act of 2025," so that it may proceed expeditiously to the House Floor.

I agree that by foregoing consideration of H.R. 580 at this time, you do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that you will be appropriately consulted and involved on this or similar legislation as it moves forward. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

As discussed, I will seek to place a copy of our exchange of letters on this bill in the bill report filed by the Committee on Oversight and Government Reform and in the *Congressional Record* during House floor consideration thereof. I appreciate your cooperation regarding this bill and look forward to future opportunities to work together on matters of shared jurisdiction.

Sincerely,



James Comer
Chairman
Committee on Oversight and Government Reform

cc: The Honorable Mike Johnson, Speaker
House of Representatives

The Honorable Robert Garcia, Ranking Member
Committee on Oversight and Government Reform

The Honorable Jim McGovern, Ranking Member
Committee on Rules

Jason Smith, Parliamentarian
House of Representatives

JODEY C. ARRINGTON, TEXAS
CHAIRMAN



U.S. House of Representatives

COMMITTEE ON THE BUDGET
Washington, DC 20515-6065

December 23, 2025

The Honorable James Comer
Chairman
Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Comer:

I am writing regarding H.R. 580, the *Unfunded Mandates Accountability and Transparency Act*, which was ordered reported by the Committee on Oversight and Government Reform on May 21, 2025.

The bill contains provisions that fall within the jurisdiction of the Committee on the Budget. In order to expedite House consideration of H.R. 580, the Committee on the Budget will forgo action on this bill. This is being done with the understanding that it does not waive any jurisdiction over the subject matter contained in H.R. 580 or similar legislation and that the Committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that the Committee may address any remaining issues that fall within its jurisdiction. The Committee on the Budget also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation and requests your support of any such request.

I would appreciate a response to this letter confirming this understanding with respect to H.R. 580 and would ask that a copy of our exchange of letters on this matter be included in your committee report and in the *Congressional Record* during floor consideration of H.R. 580.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Arrington", written over a light blue horizontal line.

Jodey C. Arrington
Chairman
Committee on the Budget

cc: The Honorable Mike Johnson, Speaker
The Honorable Robert Garcia
The Honorable Brendan Boyle
The Honorable Jason Smith, Parliamentarian

JAMES COMER, KENTUCKY
CHAIRMAN

ONE HUNDRED NINETEENTH CONGRESS

GERALD E. CONNOLLY, VIRGINIA
RANKING MINORITY MEMBER

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

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MINORITY (202) 225-5261
<https://oversight.house.gov>

January 06, 2026

The Honorable Jodey Arrington
Chairman
Committee on the Budget
204 Cannon House Office Building
Washington, DC 20515

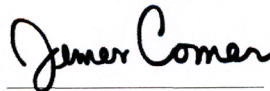
Dear Chairman Arrington:

Thank you for consulting with the Committee on Oversight and Government Reform and agreeing to be discharged from further consideration of H.R. 580, the "Unfunded Mandates Accountability and Transparency Act of 2025," so that it may proceed expeditiously to the House Floor.

I agree that by foregoing consideration of H.R. 580 at this time, you do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that you will be appropriately consulted and involved on this or similar legislation as it moves forward. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

As discussed, I will seek to place a copy of our exchange of letters on this bill in the bill report filed by the Committee on Oversight and Government Reform and in the *Congressional Record* during House floor consideration thereof. I appreciate your cooperation regarding this bill and look forward to future opportunities to work together on matters of shared jurisdiction.

Sincerely,



James Comer
Chairman
Committee on Oversight and Government Reform

cc: The Honorable Mike Johnson, Speaker
House of Representatives

The Honorable Robert Garcia, Ranking Member
Committee on Oversight and Government Reform

The Honorable Brendan Boyle, Ranking Member
Committee on the Budget

Jason Smith, Parliamentarian
House of Representatives

JAMES COMER, KENTUCKY
CHAIRMAN

ONE HUNDRED NINETEENTH CONGRESS

GERALD E. CONNOLLY, VIRGINIA
RANKING MINORITY MEMBER

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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<https://oversight.house.gov>

December 19, 2025

The Honorable Jim Jordan
Chairman
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

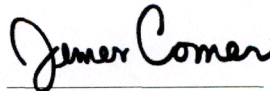
Dear Chairman Jordan:

Thank you for consulting with the Committee on Oversight and Government Reform and agreeing to be discharged from further consideration of H.R. 580, the "Unfunded Mandates Accountability and Transparency Act of 2025," so that it may proceed expeditiously to the House Floor.

I agree that by foregoing consideration of H.R. 580 at this time, you do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that you will be appropriately consulted and involved on this or similar legislation as it moves forward. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

As discussed, I will seek to place a copy of our exchange of letters on this bill in the bill report filed by the Committee on Oversight and Government Reform and in the *Congressional Record* during House floor consideration thereof. I appreciate your cooperation regarding this bill and look forward to future opportunities to work together on matters of shared jurisdiction.

Sincerely,



James Comer
Chairman
Committee on Oversight and Government Reform

cc: The Honorable Mike Johnson, Speaker
House of Representatives

The Honorable Robert Garcia, Ranking Member
Committee on Oversight and Government Reform

The Honorable Jamie Raskin, Ranking Member
Committee on the Judiciary

Jason Smith, Parliamentarian
House of Representatives

JIM JORDAN, Ohio
CHAIRMAN

JAMIE RASKIN, Maryland
RANKING MEMBER

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-6906
judiciary.house.gov

December 5, 2025

The Honorable James Comer
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Comer:

I write regarding H.R. 580, the Unfunded Mandates Accountability and Transparency Act of 2025. Provisions of this bill fall within the Judiciary Committee's Rule X jurisdiction, and I appreciate that you consulted with us on those provisions. The Judiciary Committee agrees that it shall be discharged from further consideration of the bill so that it may proceed expeditiously to the House floor.

The Committee takes this action with the understanding that forgoing further consideration of this measure does not in any way alter the Committee's jurisdiction or waive any future jurisdictional claim over these provisions or their subject matter. We also reserve the right to seek appointment of an appropriate number of conferees in the event of a conference with the Senate involving this measure or similar legislation.

I ask that you please include this letter in your committee's report to accompany this legislation or insert this letter in the *Congressional Record* during consideration of H.R. 580 on the House floor. I appreciate the cooperative manner in which our committees have worked on this matter, and I look forward to working collaboratively in the future on matters of shared jurisdiction. Thank you for your attention to this matter.

Sincerely,


Jim Jordan
Chairman

cc: The Honorable Jamie Raskin, Ranking Member, Committee on the Judiciary
The Honorable Robert Garcia, Ranking Member, Committee on Oversight and Government Reform
The Honorable Jason Smith, Parliamentarian

EXPLANATION OF AMENDMENTS

During Committee consideration of the bill, Representative James Comer (R-KY), Chairman of the Committee, offered an amendment in the nature of a substitute that made a certain technical change to the bill. The amendment in the nature of a substitute passed by voice vote.

LIST OF RELATED COMMITTEE HEARINGS

In accordance with House rule XIII, clause 3(c)(6), (1) the following hearing was used to develop or consider H.R. 580:

On February 5, 2025, the Committee held a hearing titled “Rightsizing Government” with the Hon. Kim Reynolds, Governor, State of Iowa; Mr. Thomas A. Schatz, President, Citizens Against Government Waste; and Prof. William G. Resh, Ph.D., Sol Price School of Public Policy and Management, University of Southern California.

(2) The following related hearing was held:

On February 26, 2025, the Committee held a hearing titled “Leading the Charge: Opportunities to Strengthen America’s Energy Reliability” with Mr. Alex Epstein, President and Founder, Center for Industrial Progress; Ms. Mandy Gunasekara, former Chief of Staff, U.S. Environmental Protection Agency; Mr. Alex Herrgott, Chief Executive Officer and President, the Permitting Institute; Dr. Rachel Cleetus, Policy Director, Climate and Energy Program, Union of Concerned Scientists.

(3) The following related hearing was held:

On April 1, 2025, the Committee held a hearing titled “America’s AI Moonshot: The Economics of AI, Data Centers, and Power Consumption” with Mr. Neil Chilson, Head of AI Policy, the Abundance Institute; Mr. Josh Levi, President, Data Center Coalition; Mr. Mark P. Mills, Executive Director, National Center for Energy Analytics; and Mr. Tyson Slocum, Energy Program Director, Public Citizen.

(4) The following related hearing was held:

On April 29, 2025, the Committee held a hearing titled “Made in the USA: Igniting the Industrial Renaissance of the United States” with Mr. Kevin Czinger, Founder and Executive Chairman, Divergent 3D; Mr. Chris Power, Founder and Chief Executive Officer, Hadrian; Mr. Austin Bishop, Chief Executive Officer, New American Industrial Alliance; and Dr. Adm S. Hersh, Ph.D., Senior Economist, Economic Policy Institute.

(5) The following related hearing was held:

On May 20, 2025, the Committee held a hearing titled “Mandates, Meddling, and Mismanagement: The IRA’s Threat to Energy and Medicine” with Mr. Ben Lieberman, Senior Fellow, Competitive Enterprise Institute; Dr. Erin Trish, Ph.D., Co-Director, USC Schaeffer Center and Associate Professor, Department of Pharmaceutical and Health Economics, USC Mann School of Pharmacy; Dr. William McBride, Ph.D., Chief Economist and Stephen J. Entin Fellow in Economics, Tax Foundation; and Dr. Emily Gee, Senior Vice President for Inclusive Growth, Center for American Progress.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the Background and Need for Legislation section above.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals or objectives of this bill are to lower the burdens imposed by federal regulatory mandates upon states, local governments, tribal governments, and the private sector; increase public participation in, and the accountability and transparency of, the federal regulatory process; and enhance congressional tools to check against the imposition of excessively burdensome regulatory mandates upon the private sector, and for other purposes.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill does not relate to employment or access to public services and accommodations in the legislative branch.

DUPLICATION OF FEDERAL PROGRAMS

In accordance with clause 3(c)(5) of rule XIII no provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

FEDERAL ADVISORY COMMITTEE ACT STATEMENT

Pursuant to section 5(b) of Public Law 92–463 (5 U.S.C. 1004(b)), the Federal Advisory Committee Act, the Committee finds that this Committee Print does not direct the establishment of an advisory committee.

UNFUNDED MANDATES REFORM ACT STATEMENT

Pursuant to section 423 of the *Congressional Budget Act of 1974*, the Committee has included a letter received from the Congressional Budget Office below.

EARMARK IDENTIFICATION

This bill does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the House of Representatives.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the *Congressional Budget Act of 1974*.

NEW BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(d)(1) of House rule XIII, the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 is as follows:

At a Glance			
H.R. 580, Unfunded Mandates Accountability and Transparency Act of 2025			
As ordered reported by the House Committee on Oversight and Government Reform on May 21, 2025			
By Fiscal Year, Millions of Dollars	2026	2026-2030	2026-2035
Direct Spending (Outlays)	a	a	a
Revenues	a	a	a
Increase or Decrease (-) in the Deficit	a	a	a
Spending Subject to Appropriation (Outlays)	a	a	a
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2036?	a	Statutory pay-as-you-go procedures apply?	Yes
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2036?	a	Mandate Effects	
		Contains intergovernmental mandate?	No
		Contains private-sector mandate?	Yes, Under Threshold
a. CBO has no basis on which to estimate the total budgetary effects of enacting H.R. 580.			

The bill would:

- Require agencies that promulgate any rule with an annual economic effect of \$100 million or more to publish a regulatory impact analysis for that rule
- Require agencies that promulgate such rules to undertake and report on cost-benefit analyses, consultations with interested parties, and assessments of alternatives to those rules
- Impose mandates on private-sector entities

Estimated budgetary effects would mainly stem from:

- Increased analysis and reporting requirements for which agencies would need additional staff
- Increases in direct spending and decreases in revenues for several fee-funded, independent agencies and the Federal Reserve System to carry out provisions of the bill
- Increases in costs for agencies that are funded through annual appropriations to carry out the provisions of the bill

Areas of significant uncertainty include:

- Determining whether rules that are affected because of the bill's requirements would have a net cost or savings for the federal government

Bill summary: H.R. 580 would require agencies that promulgate major rules—those with an annual economic effect of \$100 million or more—to prepare and publish regulatory impact analyses that would accompany the notice of proposed rulemaking and the final rule. Additionally, the bill would limit some of the discretion agencies have over selecting an approach to that regulatory analysis. H.R. 580 also would codify some policies that are common practice or required under executive orders related to regulatory impact analyses.

In addition, H.R. 580 would expand the role of the Office of Information and Regulatory Affairs (OIRA), within the Office of Management and Budget, and authorize OIRA to review and approve rules proposed by certain independent federal agencies. Under current law, most independent regulatory agencies are not required to submit regulatory impact analyses to OIRA.

The bill would amend an existing Congressional rule to make legislation out of order if the private-sector mandate costs are in excess of a specific threshold. That rule is not automatically enforced; a Member of Congress must raise a point of order to enforce it. (A point of order is an objection raised by a Member on the floor of the House or Senate that questions an action being taken as contrary to the rules of that body.) If a point of order is raised in the House or Senate, each chamber resolves the issue according to its established rules and procedures. Under current rules, only legislation with intergovernmental mandates above a specific threshold is subject to a point of order.

Estimated Federal cost: CBO expects that enacting H.R. 580 could affect the issuance of some rules but because of the large number and variety of federal rules issued each year, CBO cannot determine whether those effects would have costs or result in savings for the federal government.

Although CBO has no basis on which to estimate the overall budgetary effects of enacting H.R. 580, we expect that the reporting requirements in the bill would increase administrative costs for many federal agencies. Under the bill, agencies that promulgate major rules would need to enhance their research and reporting efforts in the areas of cost-benefit analyses, consultations with interested parties, and assessments of alternatives to the rules.

The estimated costs for agencies to implement those requirements are shown in Table 1 and fall within multiple budget functions.

TABLE 1.—ESTIMATED ADMINISTRATIVE COSTS TO IMPLEMENT H.R. 580

[illegible]

TABLE 1.—ESTIMATED ADMINISTRATIVE COSTS TO IMPLEMENT H.R. 580—Continued

	By fiscal year, millions of dollars—											
	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2026– 2030	2026– 2035
Estimated Outlays	9	11	11	12	12	n.e.	n.e.	n.e.	n.e.	n.e.	55	n.e.

n.e. = not estimated; * = between -\$500,000 and zero.

CBO has no basis on which to estimate the overall budgetary effects of enacting H.R. 580 but we expect that the reporting requirements in the bill would increase administrative costs for many federal agencies.

Basis of estimate: For this estimate, CBO assumes that H.R. 580 will be enacted before the end of 2025.

Direct spending: CBO cannot determine the bill’s overall effect on direct spending, but we expect that enacting the bill would increase direct spending for the administrative costs of the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Administration (NCUA), and the Office of the Comptroller of the Currency (OCC); that spending is not subject to the availability of appropriated funds. The NCUA and the OCC collect fees from financial institutions to offset their operating costs; those fees are treated as reductions in direct spending. Using information from the FDIC, CBO estimates that the increased administrative workload under H.R. 580 to prepare additional analyses and reports would increase spending for that agency by \$28 million over the 2026–2035 period.

Under current law, the Consumer Financial Protection Bureau (CFPB) is permanently authorized to spend amounts transferred from the combined earnings of the Federal Reserve in an amount necessary to carry out its responsibilities, subject to a statutory cap that was lowered by the 2025 reconciliation act. CBO expects that the CFPB will spend all the transferred funds up to its cap in each year over the 2026–2035 period. Thus, CBO treats any costs for the CFPB to implement H.R. 580 as contingent on future appropriations and discusses those costs below under the heading, “Spending Subject to Appropriation.”

Revenues: CBO cannot determine the bill’s overall effect on revenues, but we expect that enacting H.R. 580 also would affect revenues by changing the cost of operations for the Federal Reserve System, which remits its net earnings to the Treasury. Those remittances are classified as revenues in the federal budget. Based on the cost of similar activities, CBO estimates that the increased costs under the bill would reduce remittances to the Treasury by \$27 million over the 2026–2035 period. The bill would not subject the Federal Reserve to the additional reporting requirements for any major rules proposed for monetary policy by the Federal Reserve Board of Governors or the Federal Open Market Committee.

Changes in costs for the Federal Reserve banks have historically resulted in changes to remittances during the same year. However, since fiscal year 2023, the central bank has recorded a deferred asset to account for accrued net losses from expenses in excess of income. As a result, remittances largely have been suspended. In CBO’s projections, remittances from the Federal Reserve will generally be suspended until 2030, and until they resume, most

changes in costs incurred by the system will not be recorded as changes in remittances.¹

Spending subject to appropriation: CBO cannot determine the bill's overall effect on spending subject to appropriation, but we expect that implementing H.R. 580 would increase spending for agencies whose administrative funding is provided in annual appropriation acts. CBO estimates that agencies which tend to produce large numbers of major rules would need more personnel to produce the additional analyses and perform other administrative tasks under H.R. 580. CBO expects that the agencies that promulgate the most major rules, and thus would be the most affected by this bill, include the Departments of Agriculture, Education, Health and Human Services, Homeland Security, Labor, and Transportation, along with the CFPB, the Environmental Protection Agency, the Securities and Exchange Commission (SEC), and the Small Business Administration. Based on the costs of similar activities, CBO estimates that the administrative costs to implement H.R. 580 would total \$55 million over the 2026–2030 period; that spending would be subject to the availability of appropriated funds.

Under current law, the SEC is authorized to collect fees sufficient to offset its annual appropriation; therefore, CBO estimates that the net budgetary effect of the SEC's activities to implement H.R. 580 would not be significant, assuming appropriation actions consistent with the commission's authorities.

Uncertainty: CBO expects that enacting H.R. 580 could affect the issuance of some federal rules. Because of the large number and variety of rules issued each year, CBO cannot determine whether those effects would result in costs or savings for the federal government.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. Pay-as-you-go procedures apply to H.R. 580 because enacting the legislation would affect direct spending and revenues. However, CBO cannot determine the magnitude or direction of all of those effects.

Increase in long-term net direct spending and deficits: CBO cannot determine the magnitude or direction of the budgetary effects of H.R. 580. As a result, we cannot determine whether the legislation would increase net direct spending by more than \$2.5 billion or on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2036.

Mandates: If federal financial regulators increased fees to offset the costs of implementing the bill, H.R. 580 would increase the cost of an existing mandate on private-sector entities required to pay those assessments. CBO estimates that the incremental cost of the mandate would be well below the threshold for private-sector mandates as defined in the Unfunded Mandates Reform Act (\$206 million in 2025, adjusted annually for inflation).

The bill contains no intergovernmental mandates.

Estimate prepared by: Federal Costs: Julia Aman (for the Federal Deposit Insurance Corporation, the National Credit Union Administration, and the Office of the Comptroller of the Currency),

¹For more information, see Congressional Budget Office, "Recent Changes to CBO's Projections of Remittances From the Federal Reserve" (presentation, February 2023), www.cbo.gov/publication/58913.

David Hughes (for regulatory agencies whose spending is subject to appropriation); Revenues: Nathaniel Frentz; Mandates: Andrew Laughlin.

Estimate reviewed by: Justin Humphrey, Chief, Finance, Housing, and Education Cost Estimates Unit; Joshua Shakin, Chief, Revenue Projections Unit; Kathleen FitzGerald, Chief, Public and Private Mandates Unit; H. Samuel Papenfuss, Deputy Director of Budget Analysis.

Estimate approved by: Phillip L. Swagel, Director, Congressional Budget Office.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

UNFUNDED MANDATES REFORM ACT OF 1995

SECTION 1. SHORT TITLE.

This Act may be cited as the “Unfunded Mandates Reform Act of 1995”.

SEC. 2. PURPOSES.

The purposes of this Act are—

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

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

(A) requiring that Federal agencies develop a process to enable the elected and other officials of State, local, and **[tribal]** *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]** *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, including the impact on State, local, and **[tribal]** *Tribal* governments of Federal court interpretations of Federal statutes and regulations that impose Federal intergovernmental mandates.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) except as provided in section 305 of this Act, the terms defined under section 421 of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 101 of this Act) shall have the meanings as so defined; **[and]**

(2) the term “Director” means the Director of the Congressional Budget Office~~].~~; and

(3) the term “major rule” means a rule, as defined in section 551 of title 5, United States Code, that the Administrator of the Office of Information and Regulatory Affairs determines is likely to cause—

(A) an annual effect on the economy of \$100,000,000 or more, adjusted once every 5 years to reflect increases in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics of the Department of Labor;

(B) a major increase in costs or prices for consumers, individual industries, Federal, State, local, or Tribal government agencies, or geographic regions; or

(C) significant adverse effects on competition, employment, investment, productivity, innovation, public health and safety, or the ability of United States-based enterprises

to compete with foreign-based enterprises in domestic and export markets.

SEC. 4. EXCLUSIONS.

This Act 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] *Tribal* government or any official of a State, local, or [tribal] *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 (including taxes imposed by sections 3101(a) and 3111(a) of the Internal Revenue Code of 1986 (relating to old-age, survivors, and disability insurance)).

* * * * *

SEC. 6. EXEMPTION FOR MONETARY POLICY.

Nothing in title II, III, or IV shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

* * * * *

SEC. 105. CONSIDERATION FOR FEDERAL FUNDING.

Nothing in this Act shall preclude a State, local, or [tribal] *Tribal* government that already complies with all or part of the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report from consideration for Federal funding under section 425(a)(2) of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 101 of this Act) for the cost of the mandate, including the costs the State, local, or [tribal] *Tribal* government is currently paying and any additional costs necessary to meet the mandate.

* * * * *

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

SEC. 201. REGULATORY PROCESS.

Each agency shall, unless otherwise prohibited by law, assess the effects of Federal regulatory actions on State, local, and **[tribal]** *Tribal* governments, and the private sector (other than to the extent that such regulations incorporate requirements specifically set forth in law).

SEC. 202. [STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.] *REGULATORY IMPACT ANALYSES FOR CERTAIN RULES.*

[(a) IN GENERAL.]—Unless otherwise prohibited by law, before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any 1 year, and before promulgating any final rule for which a general notice of proposed rulemaking was published, the agency shall prepare a written statement containing—

[(1)] an identification of the provision of Federal law under which the rule is being promulgated;

[(2)] a qualitative and quantitative assessment of the anticipated costs and benefits of the Federal mandate, including the costs and benefits to State, local, and tribal governments or the private sector, as well as the effect of the Federal mandate on health, safety, and the natural environment and such an assessment shall include—

[(A)] an analysis of the extent to which such costs to State, local, and tribal governments may be paid with Federal financial assistance (or otherwise paid for by the Federal Government); and

[(B)] the extent to which there are available Federal resources to carry out the intergovernmental mandate;

[(3)] estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

[(A)] the future compliance costs of the Federal mandate; and

[(B)] any disproportionate budgetary effects of the Federal mandate upon any particular regions of the nation or particular State, local, or tribal governments, urban or rural or other types of communities, or particular segments of the private sector;

[(4)] estimates by the agency of the effect on the national economy, such as the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services, if and to the extent that the agency in its sole discretion determines that accurate estimates are reasonably feasible and that such effect is relevant and material; and

[(5)(A) a description of the extent of the agency's prior consultation with elected representatives (under section 204) of the affected State, local, and tribal governments;

[(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency; and

[(C) a summary of the agency's evaluation of those comments and concerns.]]

(a) *DEFINITION OF COST.*—*In this section, the term “cost” means the cost of compliance and any reasonably foreseeable indirect costs, including revenues lost, as a result of a major rule of an agency that is subject to this section.*

(b) *REGULATORY IMPACT ANALYSES.*—

(1) *REQUIREMENT.*—*Before promulgating any proposed or final major rule, the agency promulgating the major rule shall prepare and publish in the Federal Register an initial and final regulatory impact analysis with respect to the major rule.*

(2) *INITIAL REGULATORY IMPACT ANALYSIS.*—*An initial regulatory impact analysis required under paragraph (1) shall—*

(A) *accompany the notice of proposed rulemaking with respect to the major rule that is the subject of the analysis; and*

(B) *be open to public comment.*

(3) *FINAL REGULATORY IMPACT ANALYSIS.*—*A final regulatory impact analysis required under paragraph (1) shall accompany the final major rule that is the subject of the analysis.*

(c) *CONTENT.*—*Each initial and final regulatory impact analysis prepared and published under subsection (b) shall include, with respect to the major rule that is the subject of the analysis—*

(1)(A) *an analysis of the anticipated benefits and costs of the major rule, which shall be quantified to the extent feasible;*

(B) *an analysis of the benefits and costs of a reasonable number of regulatory alternatives within the range of the discretion of the agency under the statute authorizing the major rule, including alternatives that—*

(i) *use incentives and market-based means to encourage the desired behavior;*

(ii) *provide information based upon which the public can make choices; or*

(iii) *employ other flexible regulatory options that permit the greatest flexibility in achieving the objectives of the statute authorizing the major rule; and*

(C) *an explanation of how the major rule complies with the requirements of section 205;*

(2) *an assessment of the extent to which—*

(A) *the costs to State, local, and Tribal governments may be paid with Federal financial assistance (or otherwise paid for by the Federal Government); and*

(B) *Federal resources are available to carry out the major rule;*

(3) *estimates of—*

(A) *any disproportionate budgetary effects of the major rule upon any particular—*

(i) *regions of the United States;*

(ii) *State, local, or Tribal governments;*

(iii) types of communities, including urban or rural communities; or

(iv) segments of the private sector; and

(B) the effect of the major rule on job creation or job loss, which shall be quantified to the extent feasible; and

(4)(A) a description of the extent of the prior consultation of the agency under section 204 with elected representatives of each affected State, local, or Tribal government;

(B) a summary of the comments and concerns that were presented to the agency orally or in writing by State, local, or Tribal governments; and

(C) a summary of the evaluation by the agency of the comments and concerns described in subparagraph (B).

[(b)] (d) PROMULGATION.—In promulgating a general notice of proposed rulemaking or a final rule for which [a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement] *an analysis under subsection (b) is required, the agency promulgating the major rule shall include in the promulgation a summary of the information contained in the analysis.*

[(c)] (e) PREPARATION IN CONJUNCTION WITH OTHER STATEMENT.—Any agency may prepare [any statement required under subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a)] *any analysis required under subsection (b) in conjunction with, or as a part of, any other statement or analysis if the other statement or analysis satisfies the requirements of subsections (b) and (c).*

* * * * *

SEC. 204. STATE, LOCAL, AND TRIBAL GOVERNMENT AND PRIVATE SECTOR INPUT.

(a) IN GENERAL.—Each agency shall, to the extent permitted in law, develop an effective process to permit elected officers of State, local, and [tribal] *Tribal* governments (or their designated employees with authority to act on their behalf), *and impacted parties within the private sector (including small businesses)*, to provide meaningful and timely input in the development of regulatory proposals containing significant [Federal intergovernmental mandates] *Federal mandates*.

(b) MEETINGS BETWEEN STATE, LOCAL, TRIBAL AND FEDERAL OFFICERS.—Chapter 10 of title 5, United States Code, shall not apply to actions in support of intergovernmental communications where—

(1) meetings are held exclusively between Federal officials and elected officers of State, local, and [tribal] *Tribal* governments (or their designated employees with authority to act on their behalf) acting in their official capacities; and

(2) such meetings are solely for the purposes of exchanging views, information, or advice relating to the management or implementation of Federal programs established pursuant to public law that explicitly or inherently share intergovernmental responsibilities or administration.

[(c)] IMPLEMENTING GUIDELINES.—No later than 6 months after the date of enactment of this Act, the President shall issue guide-

lines and instructions to Federal agencies for appropriate implementation of subsections (a) and (b) consistent with applicable laws and regulations.】

(c) *GUIDELINES.—For appropriate implementation of subsections (a) and (b) consistent with applicable laws and regulations, the following guidelines shall be followed:*

(1) *Consultations shall take place as early as possible, before issuance of a notice of proposed rulemaking, continue through the final rule stage, and be integrated explicitly into the rule-making process.*

(2) *Agencies shall consult with a wide variety of State, local, and Tribal officials and impacted parties within the private sector (including small businesses). Geographic, political, and other factors that may differentiate varying points of view should be considered.*

(3) *Agencies should estimate benefits and costs to assist with these consultations. The scope of the consultation should reflect the cost and significance of the Federal mandate being considered.*

(4) *Agencies shall, to the extent practicable—*

(A) *seek out the views of State, local, and Tribal governments, and impacted parties within the private sector (including small businesses), on costs, benefits, and risks; and*

(B) *solicit ideas about alternative methods of compliance and potential flexibilities, and input on whether the Federal regulation will harmonize with and not duplicate similar laws in other levels of government.*

(5) *Consultations shall address the cumulative impact of regulations on the affected entities.*

(6) *Agencies may accept electronic submissions of comments by relevant parties but may not use those comments as the sole method of satisfying the guidelines in this subsection.*

【SEC. 205. LEAST BURDENSOME OPTION OR EXPLANATION REQUIRED.

【(a) **IN GENERAL.**—Except as provided in subsection (b), before promulgating any rule for which a written statement is required under section 202, the agency shall identify and consider a reasonable number of regulatory alternatives and from those alternatives select the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule, for—

【(1) State, local, and tribal governments, in the case of a rule containing a Federal intergovernmental mandate; and

【(2) the private sector, in the case of a rule containing a Federal private sector mandate.

【(b) **EXCEPTION.**—The provisions of subsection (a) shall apply unless—

【(1) the head of the affected agency publishes with the final rule an explanation of why the least costly, most cost-effective or least burdensome method of achieving the objectives of the rule was not adopted; or

【(2) the provisions are inconsistent with law.

【(c) **OMB CERTIFICATION.**—No later than 1 year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall certify to Congress, with a written explanation, agency compliance with this section and include in that certifi-

cation agencies and rulemakings that fail to adequately comply with this section.】

SEC. 205. MAXIMIZE NET BENEFITS.

(a) *DEFINITION OF COST.*—In this section, the term “cost” has the meaning given the term in section 202(a).

(b) *REQUIREMENT.*—Before promulgating any proposed or final major rule for which a regulatory impact analysis is required under section 202, an agency shall from the alternatives identified and considered under section 202(c)(1)(B), select the alternative that maximizes net benefits, taking into consideration only the costs and benefits that arise within the scope of the statutory provision that authorizes the rulemaking.

(c) *EXCEPTIONS.*—An agency may adopt an alternative other than as required under subsection (b) only if—

(1) the Administrator of the Office of Information and Regulatory Affairs approves the adoption by the agency of the alternative; and

(2) the alternative is adopted to—

(A) account for costs or benefits that cannot be quantified, including costs or benefits related to constitutional or civil rights, provided that the agency identifies all such costs and benefits and explains why those costs and benefits justify the adoption of the alternative; or

(B) achieve additional benefits or cost reductions, provided that the agency—

(i) identifies—

(I) all such additional benefits and the associated costs of those benefits; and

(II) all such cost reductions and the associated benefits of those cost reductions; and

(ii) explains why—

(I) the additional benefits justify the additional costs; or

(II) the additional cost reductions justify any benefits foregone.

* * * * *

[SEC. 208. ANNUAL STATEMENTS TO CONGRESS ON AGENCY COMPLIANCE.

【No later than 1 year after the effective date of this title and annually thereafter, the Director of the Office of Management and Budget shall submit to the Congress, including the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives, a written report detailing compliance by each agency during the preceding reporting period with the requirements of this title.】

SEC. 208. OFFICE OF INFORMATION AND REGULATORY AFFAIRS RESPONSIBILITIES.

(a) *IN GENERAL.*—The Administrator of the Office of Information and Regulatory Affairs (in this section referred to as the “Administrator”) shall provide meaningful guidance and oversight so that the major rules of an agency for which a regulatory impact analysis is required under section 202—

(1) are consistent with the principles and requirements of this title, as well as other applicable laws; and

(2) and do not conflict with the policies or actions of another agency.

(b) *NOTIFICATION.*—If the Administrator determines that the major rules of an agency for which a regulatory impact analysis is required under section 202 do not comply with the principles and requirements of this title, are not consistent with other applicable laws, or conflict with the policies or actions of another agency, the Administrator shall—

- (1) identify areas of noncompliance;
- (2) notify the agency; and
- (3) request that the agency comply before the agency finalizes the major rule concerned.

(c) *ANNUAL STATEMENTS TO CONGRESS ON AGENCY COMPLIANCE.*—The Administrator shall submit to Congress, including the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives, an annual written report that, for the 1-year period preceding the report—

- (1) details compliance by each agency with the requirements of this title that relate to major rules for which a regulatory impact analysis is required by section 202, including activities undertaken at the request of the Administrator to improve compliance; and
- (2) contains an appendix detailing compliance by each agency with section 204.

SEC. 209. INITIATION OF RULEMAKING FOR MAJOR RULES.

When an agency determines to initiate a rulemaking that may result in a major rule, the agency shall—

- (1) establish an electronic docket for that rulemaking, which may have a physical counterpart; and
- (2) publish a notice of initiation of rulemaking in the Federal Register, which shall—

(A) briefly describe the subject and objectives of, and the problem to be solved by, the major rule;

(B) refer to the legal authority under which the major rule would be proposed, including the specific statutory provision that authorizes the rulemaking;

(C) invite interested persons to propose alternatives and other ideas regarding how best to accomplish the objectives of the agency in the most effective manner;

(D) indicate how interested persons may submit written material for the docket; and

(E) appear in the Federal Register not later than 90 days before the date on which the agency publishes a notice of proposed rulemaking for the major rule.

SEC. [209.] 210. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of the enactment of this Act.

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TITLE III—REVIEW OF FEDERAL MANDATES

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SEC. 304. ANNUAL REPORT TO CONGRESS REGARDING FEDERAL COURT RULINGS.

No later than 4 months after the date of enactment of this Act, and no later than March 15 of each year thereafter, the Advisory Commission on Intergovernmental Relations shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, and to the President a report describing any Federal court case to which a State, local, or **[tribal]** *Tribal* government was a party in the preceding calendar year that required such State, local, or **[tribal]** *Tribal* government to undertake responsibilities or activities, beyond those such government would otherwise have undertaken, to comply with Federal statutes and regulations.

SEC. 305. DEFINITION.

Notwithstanding section 3 of this Act, for purposes of this title the term “Federal mandate” means any provision in statute or regulation or any Federal court ruling that imposes an enforceable duty upon State, local, or **[tribal]** *Tribal* governments including a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

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TITLE IV—JUDICIAL REVIEW

[SEC. 401. JUDICIAL REVIEW.

[(a) AGENCY STATEMENTS ON SIGNIFICANT REGULATORY ACTIONS.—

[(1) IN GENERAL.—Compliance or noncompliance by any agency with the provisions of sections 202 and 203(a) (1) and (2) shall be subject to judicial review only in accordance with this section.

[(2) LIMITED REVIEW OF AGENCY COMPLIANCE OR NONCOMPLIANCE.—(A) Agency compliance or noncompliance with the provisions of sections 202 and 203(a) (1) and (2) shall be subject to judicial review only under section 706(1) of title 5, United States Code, and only as provided under subparagraph (B).

[(B) If an agency fails to prepare the written statement (including the preparation of the estimates, analyses, statements, or descriptions) under section 202 or the written plan under section 203(a) (1) and (2), a court may compel the agency to prepare such written statement.

[(3) REVIEW OF AGENCY RULES.—In any judicial review under any other Federal law of an agency rule for which a written statement or plan is required under sections 202 and 203(a) (1) and (2), the inadequacy or failure to prepare such statement (including the inadequacy or failure to prepare any estimate, analysis, statement or description) or written plan shall not be

used as a basis for staying, enjoining, invalidating or otherwise affecting such agency rule.

[(4) CERTAIN INFORMATION AS PART OF RECORD.—Any information generated under sections 202 and 203(a) (1) and (2) that is part of the rulemaking record for judicial review under the provisions of any other Federal law may be considered as part of the record for judicial review conducted under such other provisions of Federal law.

[(5) APPLICATION OF OTHER FEDERAL LAW.—For any petition under paragraph (2) the provisions of such other Federal law shall control all other matters, such as exhaustion of administrative remedies, the time for and manner of seeking review and venue, except that if such other Federal law does not provide a limitation on the time for filing a petition for judicial review that is less than 180 days, such limitation shall be 180 days after a final rule is promulgated by the appropriate agency.

[(6) EFFECTIVE DATE.—This subsection shall take effect on October 1, 1995, and shall apply only to any agency rule for which a general notice of proposed rulemaking is promulgated on or after such date.

[(b) JUDICIAL REVIEW AND RULE OF CONSTRUCTION.—Except as provided in subsection (a)—

[(1) any estimate, analysis, statement, description or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review; and

[(2) no provision of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action.]

SEC. 401. JUDICIAL REVIEW.

(a) *IN GENERAL.*—A person that is aggrieved by final agency action in adopting a major rule that is subject to section 202 is entitled to judicial review of whether the agency complied with section 202(b), 202(c)(1), or 205 with respect to the rule.

(b) *SCOPE OF REVIEW.*—Chapter 7 of title 5, United States Code, shall govern the scope of judicial review under subsection (a).

(c) *JURISDICTION.*—Each court that has jurisdiction to review a rule for compliance with section 553 of title 5, United States Code, or under any other provision of law, shall have jurisdiction to review a claim brought under subsection (a).

(d) *RELIEF AVAILABLE.*—In granting relief in an action under this section, a court shall order the agency that promulgated the major rule that is under review to take remedial action consistent with chapter 7 of title 5, United States Code.

CONGRESSIONAL BUDGET ACT OF 1974

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TITLE IV—ADDITIONAL PROVISIONS TO IMPROVE FISCAL PROCEDURES

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PART B—FEDERAL MANDATES

SEC. 421. DEFINITIONS.

For purposes of this part:

(1) AGENCY.—The term “agency” has the same meaning as defined in section 551(1) of title 5, United States Code¹, but does not include independent regulatory agencies².

(2) AMOUNT.—The term “amount”, with respect to an authorization of appropriations for Federal financial assistance, means the amount of budget authority for any Federal grant assistance program or any Federal program providing loan guarantees or direct loans.

(3) DIRECT COSTS.—The term “direct costs”—

(A)(i) in the case of a Federal intergovernmental mandate, means the aggregate estimated amounts that all State, local, and tribal governments would be required to spend or would be prohibited from raising in revenues in order to comply with the Federal intergovernmental mandate; or

(ii) in the case of a provision referred to in paragraph (5)(A)(ii), means the amount of Federal financial assistance eliminated or reduced;

(B) in the case of a Federal private sector mandate, means the aggregate estimated amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate;

(C) shall be determined on the assumption that—

(i) State, local, and tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations; and

(ii) reasonable steps to mitigate the costs shall not include increases in State, local, or tribal taxes or fees; and

(D) shall not include—

(i) estimated amounts that the State, local, and tribal governments (in the case of a Federal intergovernmental mandate) or the private sector (in the case of a Federal private sector mandate) would spend—

(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that Federal mandate; or

(II) to comply with or carry out State, local, and tribal governmental programs, or private-sector business or other activities in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that mandate; or

(ii) expenditures to the extent that such expenditures will be offset by any direct savings to the State, local, and tribal governments, or by the private sector, as a result of—

- (I) compliance with the Federal mandate; or
- (II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate.

(4) DIRECT SAVINGS.—The term “direct savings”, when used with respect to the result of compliance with the Federal mandate—

(A) in the case of a Federal intergovernmental mandate, means the aggregate estimated reduction in costs to any State, local, or tribal government as a result of compliance with the Federal intergovernmental mandate; and

(B) in the case of a Federal private sector mandate, means the aggregate estimated reduction in costs to the private sector as a result of compliance with the Federal private sector mandate.

(5) FEDERAL INTERGOVERNMENTAL MANDATE.—The term “Federal intergovernmental mandate” means—

(A) any provision in legislation, statute, or regulation that—

(i) would impose an enforceable duty upon State, local, or tribal governments, except—

(I) a condition of Federal assistance; or

(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B); or

(ii) would reduce or eliminate the amount of authorization of appropriations for—

(I) Federal financial assistance that would be provided to State, local, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

(II) the control of borders by the Federal Government; or reimbursement to State, local, or tribal governments for the net cost associated with illegal, deportable, and excludable aliens, including court-mandated expenses related to emergency health care, education or criminal justice; when such a reduction or elimination would result in increased net costs to State, local, or tribal governments in providing education or emergency health care to, or incarceration of, illegal aliens; except that this subclause shall not be in effect with respect to a State, local, or tribal government, to the extent that such government has not fully cooperated in the efforts of the Federal Government to locate, apprehend, and deport illegal aliens;

(B) any provision in legislation, statute, or regulation that relates to a then-existing Federal program under which \$500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority, if the provision—

(i)(I) would increase the stringency of conditions of assistance to State, local, or tribal governments under the program; or

(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to State, local, or tribal governments under the program; and

(ii) the State, local, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the legislation, statute, or regulation.

(6) **FEDERAL MANDATE.**—The term “Federal mandate” means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (5) and (7).

(7) **FEDERAL PRIVATE SECTOR MANDATE.**—The term “Federal private sector mandate” means any provision in legislation, statute, or regulation that—

(A) would impose an enforceable duty upon the private sector except—

(i) a condition of Federal assistance; or

(ii) a duty arising from participation in a voluntary Federal program; or

(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purposes of ensuring compliance with such duty.

(8) **LOCAL GOVERNMENT.**—The term “local government” has the same meaning as defined in section 6501(6) of title 31, United States Code.

(9) **PRIVATE SECTOR.**—The term “private sector” means all persons or entities in the United States, including individuals, partnerships, associations, corporations, and educational and nonprofit institutions, but shall not include State, local, or tribal governments.

(10) **REGULATION; RULE.**—The term “regulation” or “rule” (except with respect to a rule of either House of the Congress) has the meaning of “rule” as defined in section 601(2) of title 5, United States Code.

(11) **SMALL GOVERNMENT.**—The term “small government” means any small governmental jurisdictions defined in section 601(5) of title 5, United States Code, and any tribal government.

(12) **STATE.**—The term “State” has the same meaning as defined in section 6501(9) of title 31, United States Code.

(13) **TRIBAL GOVERNMENT.**—The term “tribal government” means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688; 43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians.

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SEC. 425. LEGISLATION SUBJECT TO POINT OF ORDER.

(a) IN GENERAL.—It shall not be in order in the Senate or the House of Representatives to consider—

(1) any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on the direct costs of Federal mandates in accordance with section 423(f) before such consideration, except this paragraph shall not apply to any supplemental statement prepared by the Director under section 424(d); and

(2) any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of [Federal intergovernmental mandates] *Federal mandates* by an amount that causes the thresholds specified in [section 424(a)(1)] *subsection (a)(1) or (b)(1) of section 424* to be exceeded, unless—

(A) the bill, joint resolution, amendment, motion, or conference report provides new budget authority or new entitlement authority in the House of Representatives or direct spending authority in the Senate for each fiscal year for such mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount equal to or exceeding the direct costs of such mandate; or

(B) the bill, joint resolution, amendment, motion, or conference report includes an authorization for appropriations in an amount equal to or exceeding the direct costs of such mandate, and—

(i) identifies a specific dollar amount of the direct costs of such mandate for each year up to 10 years during which such mandate shall be in effect under the bill, joint resolution, amendment, motion or conference report, and such estimate is consistent with the estimate determined under subsection (e) for each fiscal year;

(ii) identifies any appropriation bill that is expected to provide for Federal funding of the direct cost referred to under clause (i); and

(iii)(I) provides that for any fiscal year the responsible Federal agency shall determine whether there are insufficient appropriations for that fiscal year to provide for the direct costs under clause (i) of such mandate, and shall (no later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit either—

(aa) a statement that the agency has determined, based on a re-estimate of the direct costs of such mandate, after consultation with State, local, and tribal governments, that the amount appropriated is sufficient to pay for the direct costs of such mandate; or

(bb) legislative recommendations for either implementing a less costly mandate or making such mandate ineffective for the fiscal year;

(II) provides for expedited procedures for the consideration of the statement or legislative recommendations referred to in subclause (I) by Congress no later

than 30 days after the statement or recommendations are submitted to Congress; and

(III) provides that such mandate shall—

(aa) in the case of a statement referred to in subclause (I)(aa), cease to be effective 60 days after the statement is submitted unless Congress has approved the agency's determination by joint resolution during the 60-day period;

(bb) cease to be effective 60 days after the date the legislative recommendations of the responsible Federal agency are submitted to Congress under subclause (I)(bb) unless Congress provides otherwise by law; or

(cc) in the case that such mandate that has not yet taken effect, continue not to be effective unless Congress provides otherwise by law.

(b) RULE OF CONSTRUCTION.—The provisions of subsection (a)(2)(B)(iii) shall not be construed to prohibit or otherwise restrict a State, local, or tribal government from voluntarily electing to remain subject to the original Federal intergovernmental mandate, complying with the programmatic or financial responsibilities of the original Federal intergovernmental mandate and providing the funding necessary consistent with the costs of Federal agency assistance, monitoring, and enforcement.

(c) COMMITTEE ON APPROPRIATIONS.—

(1) APPLICATION.—The provisions of subsection (a)—

(A) shall not apply to any bill or resolution reported by the Committee on Appropriations of the Senate or the House of Representatives; except

(B) shall apply to—

(i) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any bill or resolution reported by the Committee on Appropriations of the Senate or House of Representatives;

(ii) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any amendment offered to a bill or resolution reported by the Committee on Appropriations of the Senate or House of Representatives;

(iii) any legislative provision increasing direct costs of a Federal intergovernmental mandate in a conference report accompanying a bill or resolution reported by the Committee on Appropriations of the Senate or House of Representatives; and

(iv) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any amendments in disagreement between the two Houses to any bill or resolution reported by the Committee on Appropriations of the Senate or House of Representatives.

(2) CERTAIN PROVISIONS STRICKEN IN SENATE.—Upon a point of order being made by any Senator against any provision listed in paragraph (1)(B), and the point of order being sustained by the Chair, such specific provision shall be deemed stricken

from the bill, resolution, amendment, amendment in disagreement, or conference report and may not be offered as an amendment from the floor.

(d) DETERMINATIONS OF APPLICABILITY TO PENDING LEGISLATION.—For purposes of this section, in the Senate, the presiding officer of the Senate shall consult with the Committee on Governmental Affairs, to the extent practicable, on questions concerning the applicability of this part to a pending bill, joint resolution, amendment, motion, or conference report.

(e) DETERMINATIONS OF FEDERAL MANDATE LEVELS.—For purposes of this section, in the Senate, the levels of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget.

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MINORITY VIEWS

Regulations have been a straw man for Republicans to attack government agencies for years. Yet the majority of Americans support government regulation across a range of industries. Regulations are what enable us to feel confident that the food we eat and the water we drink are safe for consumption. Regulations prevent fraudulent advertising and targeting children with products like tobacco and alcohol. They help protect the quality of the very air we breathe.

Regulations have a profound effect on every aspect of our lives. They help keep our nation safe, healthy, and prosperous. Democrats support improving transparency and public participation in the regulatory process. But that is not what this bill does.

H.R. 580 will make the already complex regulatory process more burdensome and give industry, which already has significant input in the regulatory process, even more say. In contrast, the Biden Administration worked to modernize the regulatory process, strengthening democracy by further advancing the transparency, inclusivity, and effectiveness of federal regulations.

The Biden Administration's modernization plans promoted both efficiency and fairness with the purpose of ensuring that well-funded and well-connected corporations no longer have outsized influence on federal regulations simply because they have the time, resources, and lobbyists to bombard federal officials with input.

The changes implemented by the Biden Administration require federal officials to proactively seek out the voices of those who are underrepresented in—but still critically affected by—the rule-making process, including people with disabilities and people living in rural areas, as well as minority groups.

This bill would overwhelm those underrepresented voices by giving special interests a megaphone in the regulatory process. This is not the way to increase public participation and reduce the opacity of the regulatory process—it is in fact a way to increase the influence of special interests.

The bill would also expand the definition of “major rule” to include any rule with an annual financial effect of \$100 million or more. The definition would further be expanded to include the vague qualification of any regulation with significant adverse effects on competition, employment, investment, productivity, innovation, public health and safety, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic and export markets.

H.R. 580 would also require federal agencies to prepare and publish a burdensome analysis of the impacts of the regulation prior to promulgating any proposed or final major rule. The analysis would be required to include a cost-benefit analysis of the rule and possible regulatory alternatives, among other details.

The bill would also expand judicial review of federal regulations making it easier for entities to go to court to block regulatory actions. It would also create a point of order preventing consideration in both the House and Senate of any legislation, joint resolution, amendment, motion, or conference report that has private sector costs of \$100 million or more in a given fiscal year. Previously, this point of order only applied to federal intergovernmental mandates.

Regulations are a tool in our democracy that serve the public good. Unfortunately, this bill would hinder, not improve the ability of the public to be heard and represented. For these reasons, Democrats strongly oppose this legislation.

ROBERT GARCIA,
Ranking Member.

