

HR 373

Unfunded Mandates Information and Transparency Act of 2011

Congress: 112 (2011–2013, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: Jan 20, 2011

Current Status: Placed on the Union Calendar, Calendar No. 338.

Latest Action: Placed on the Union Calendar, Calendar No. 338. (May 16, 2012)

Official Text: <https://www.congress.gov/bill/112th-congress/house-bill/373>

Sponsor

Name: Rep. Foxx, Virginia [R-NC-5]

Party: Republican • **State:** NC • **Chamber:** House

Cosponsors (6 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Cuellar, Henry [D-TX-28]	D · TX		Jan 20, 2011
Rep. Kissell, Larry [D-NC-8]	D · NC		Jan 20, 2011
Rep. Forbes, J. Randy [R-VA-4]	R · VA		Apr 6, 2011
Rep. Schock, Aaron [R-IL-18]	R · IL		May 25, 2011
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Jun 21, 2011
Rep. Yoder, Kevin [R-KS-3]	R · KS		Nov 1, 2011

Committee Activity

Committee	Chamber	Activity	Date
Budget Committee	House	Discharged From	May 16, 2012
Judiciary Committee	House	Referred to	Feb 14, 2011
Oversight and Government Reform Committee	House	Reported by	Sep 21, 2011
Rules Committee	House	Discharged From	May 16, 2012

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
112 HR 4078	Related bill	Jul 31, 2012: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 477.

Unfunded Mandates Information and Transparency Act of 2011 - (Sec. 2) States as the purposes of this Act to: (1) improve the quality of the deliberations of Congress with respect to proposed federal mandates by providing Congress and the public with more complete information about the effects of such mandates and by ensuring that Congress acts on such mandates only after focused deliberation on their effects; and (2) enhance the ability of Congress and the public to identify federal mandates that may impose undue harm on consumers, workers, employers, small businesses, and state, local, and tribal governments.

(Sec. 3) Amends the Congressional Budget Act of 1974 to: (1) require the Congressional Budget Office (CBO), at the request of the chairman or ranking member of a congressional committee, to conduct an assessment comparing the authorized level of funding in legislation to the prospective costs of carrying out any changes to a condition of federal assistance being imposed on state, local, or tribal governments participating in the federal assistance program; (2) modify the definition of "direct costs" to require CBO to consider, in accounting for the costs of federal mandates, forgone business profits, costs passed onto consumers and other entities, and behavioral changes; (3) eliminate the exemption of independent regulatory agencies from requirements under the Unfunded Mandates Reform Act of 1995 (UMRA); and (4) make the raising of points of order in the consideration of congressional legislation applicable to legislation that would increase the direct cost of private sector mandates beyond limits established by UMRA.

(Sec. 6) Amends UMRA to: (1) transfer certain responsibilities under such Act from the Director of the Office of Management and Budget (OMB) to the Administrator of the Office of Information and Regulatory Affairs; (2) set forth detailed criteria to guide agencies in assessing the effects of federal regulatory actions on state, local, and tribal governments and the private sector; (3) revise requirements for agency statements accompanying significant regulatory actions to require an analysis of the annual effect of a proposed final rule on state, local, or tribal governments or the private sector and to require all statements and summaries under UMRA to be detailed; and (4) extend to the the private sector (including small business) the requirement for consultation with agencies in the development of regulatory proposals containing significant federal mandates and set forth detailed guidelines for such consultation.

(Sec. 11) Revises UMRA reporting requirements to require: (1) the Administrator of the Office of Information and Regulatory Affairs to provide guidance and oversight so that agency regulations are consistent with the principles and policies of UMRA and do not conflict with the policies or actions of another agency; and (2) agencies to include in their annual compliance statements an appendix detailing consultation activities with state, local, and tribal governments and the private sector.

(Sec. 12) Amends UMRA to require an agency, at the request of the chairman or ranking member of a standing or select House or Senate Committee, to conduct a retrospective analysis of an existing regulation promulgated by such agency and submit to the chairman of the relevant committee, Congress, and the Comptroller General (GAO) a report on such regulation.

(Sec. 13) Expands judicial review under UMRA to include review of provisions of such Act relating to agency assessment of the effects of the regulatory process and agency selection of the least costly or least burdensome alternative to a regulatory mandate. Grants courts expanded powers to compel agencies to comply with UMRA reporting requirements.

Actions Timeline

- **May 16, 2012:** Reported (Amended) by the Committee on Oversight and Government Reform. H. Rept. 112-483, Part I.
- **May 16, 2012:** Committee on Rules discharged.
- **May 16, 2012:** Committee on The Budget discharged.
- **May 16, 2012:** Committee on Judiciary discharged.
- **May 16, 2012:** Placed on the Union Calendar, Calendar No. 338.
- **Nov 17, 2011:** Committee Consideration and Mark-up Session Held.
- **Nov 17, 2011:** Ordered to be Reported (Amended) by the Yeas and Nays: 22 - 12.
- **Sep 21, 2011:** Subcommittee Consideration and Mark-up Session Held.
- **Sep 21, 2011:** Forwarded by Subcommittee to Full Committee in the Nature of a Substitute (Amended) by the Yeas and Nays: 5 - 4 .
- **Feb 14, 2011:** Referred to the Subcommittee on Courts, Commercial and Administrative Law.
- **Feb 8, 2011:** Referred to the Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform.
- **Jan 20, 2011:** Introduced in House
- **Jan 20, 2011:** Referred to the Committee on Oversight and Government Reform, and in addition to the Committees on Rules, the Budget, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.