



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

February 27, 2014
(House)

STATEMENT OF ADMINISTRATION POLICY

H.R. 899 – Unfunded Mandates Information and Transparency Act of 2013

(Rep. Foxx, R-North Carolina, and 4 cosponsors)

The Administration is committed to ensuring that regulations are tailored to advance statutory goals in a manner that is efficient and cost-effective, and that minimizes uncertainty. By layering on additional, burdensome judicial review and other unnecessary changes to the regulatory process, H.R. 899, the Unfunded Mandates Information and Transparency Act of 2013, would introduce needless uncertainty into agency decision-making and undermine the ability of agencies to provide critical public health and safety protections. Accordingly, the Administration strongly opposes House passage of H.R. 899.

When a Federal agency promulgates a regulation, the agency must adhere to the robust and well-understood procedural requirements of Federal law, including the Administrative Procedure Act, the Regulatory Flexibility Act, the Unfunded Mandates Reform Act, the Paperwork Reduction Act, and the Congressional Review Act. In addition, for decades, agency rulemaking has been guided by executive orders issued and followed by administrations of both political parties. These require regulatory agencies to promulgate regulations upon a reasoned determination that the benefits justify the costs, to consider regulatory alternatives, and to promote regulatory flexibility.

The President's regulatory approach has been consistent throughout his Administration. We don't have to choose between protecting the health, welfare, and safety of Americans and promoting economic growth, job creation, competitiveness, and innovation—we can do both. To this end, Executive Order 13563 requires careful cost-benefit analysis, increased public participation, harmonization of rulemaking across agencies, and flexible regulatory approaches. Through executive orders and other presidential directives, agencies must ensure that they take into account the consequences of rulemaking on small businesses. And, through Executive Orders 13579 and 13610, the Administration has also taken important steps to promote systematic retrospective review of regulations by all agencies, including encouraging independent agencies to conduct such a review. Collectively, these requirements promote flexible, cost-effective regulation.

H.R. 899 would unnecessarily add to the already robust analytical and procedural requirements of the rulemaking process. In particular, H.R. 899 would create needless grounds for judicial review, unduly slowing the regulatory process. In addition, it would add layers of procedural steps that would interfere with agency priority setting and compliance with statutory mandates.

If H.R. 899 were presented to the President, his senior advisors would recommend that he veto the bill.

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