Sections 305 and 307 of the Act were classified to sections 1205 and 1207, respectively, of this title prior to repeal, except as provided in this section, by Pub. L. 104–1, title V, § 504(a)(2), Jan. 23, 1995, 109 Stat. 41. For complete classification of this Act to the Code, see section 2000e–16a(a) of Title 42 and Tables.

Section 1207a of this title, referred to in subsec. (a)(3), was repealed, except as provided in this section, by Pub. L. 104–1, title V, § 504(a)(5), Jan. 23, 1995, 109 Stat. 41.

Section 1831(e) of this title, referred to in subsec. (b), was repealed, except as provided in this section, by Pub. L. 104–1, title V, § 504(c)(1), Jan. 23, 1995, 109 Stat. 41.

CHANGE OF NAME

General Accounting Office redesignated Government Accountability Office. See section 8 of Pub. L. 108–271, set out as a note under section 702 of Title 31, Money and Finance.

### § 1436. Repealed. Pub. L. 106–57, title III, § 313, Sept. 29, 1999, 113 Stat. 428

Section, Pub. L. 104–1, title V, § 507, Jan. 23, 1995, 109 Stat. 43; Pub. L. 105–275, title I, § 12, Oct. 21, 1998, 112 Stat. 2436, related to use of frequent flyer miles.

### § 1437. Sense of Senate regarding adoption of simplified and streamlined acquisition procedures for Senate acquisitions

It is the sense of the Senate that the Committee on Rules and Administration of the Senate should review the rules applicable to purchases by Senate offices to determine whether they are consistent with the acquisition simplification and streamlining laws enacted in the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355).

(Pub. L. 104–1, title V, § 508, Jan. 23, 1995, 109 Stat. 44.)

REFERENCES IN TEXT

The Federal Acquisition Streamlining Act of 1994, referred to in text, is Pub. L. 103–355, Oct. 13, 1994, 108 Stat. 3243. For complete classification of this Act to the Code, see Short Title of 1994 Amendment note set out under section 251 of Title 41, Public Contracts, and Tables.

### § 1438. Severability

If any provision of this chapter or the application of such provision to any person or circumstance is held to be invalid, the remainder of this chapter and the application of the provisions of the remainder to any person or circumstance shall not be affected thereby.

(Pub. L. 104–1, title V, § 509, Jan. 23, 1995, 109 Stat. 44.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 104–1, Jan. 23, 1995, 109 Stat. 3, as amended, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.

## CHAPTER 25—UNFUNDED MANDATES REFORM

Sec.
1501. Purposes.
1502. Definitions.
1503. Exclusions.
1504. Agency assistance.

SUBCHAPTER I—LEGISLATIVE ACCOUNTABILITY AND REFORM

1511. Cost of regulations.
1512. Consideration for Federal funding.
1513. Impact on local governments.
1514. Enforcement in House of Representatives.
1515. Exercise of rulemaking powers.
1516. Authorization of appropriations.

SUBCHAPTER II—REGULATORY ACCOUNTABILITY AND REFORM

1531. Regulatory process.
1532. Statements to accompany significant regulatory actions.
1533. Small government agency plan.
1534. State, local, and tribal government input.
1535. Least burdensome option or explanation required.
1536. Assistance to Congressional Budget Office.
1537. Pilot program on small government flexibility.
1538. Annual statements to Congress on agency compliance.

SUBCHAPTER III—REVIEW OF FEDERAL MANDATES

1551. Baseline study of costs and benefits.
1552. Report on Federal mandates by Advisory Commission on Intergovernmental Relations.
1553. Special authorities of Advisory Commission.
1554. Annual report to Congress regarding Federal court rulings.
1555. ''Federal mandate'' defined.
1556. Authorization of appropriations.

SUBCHAPTER IV—JUDICIAL REVIEW

1571. Judicial review.

### § 1501. Purposes

The purposes of this chapter are—

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

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and 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 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 governments in complying with Federal mandates, to require analyses of the impact of private sector mandates, and through the dis-

semination 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 governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of State, local, and 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 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 governments of Federal court interpretations of Federal statutes and regulations that impose Federal intergovernmental mandates.

(Pub. L. 104–4, § 2, Mar. 22, 1995, 109 Stat. 48.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 104–4, Mar. 22, 1995, 109 Stat. 48, known as the Unfunded Mandates Reform Act of 1995. For complete classification of this Act to the Code, see Short Title note below and Tables.

SHORT TITLE

Section 1 of Pub. L. 104–4 provided that: ''This Act [enacting this chapter and sections 658 to 658g of this title, amending sections 602, 632, and 653 of this title, and enacting provisions set out as notes under sections 1511 and 1531 of this title] may be cited as the 'Unfunded Mandates Reform Act of 1995'.''

### § 1502. Definitions

For purposes of this chapter—

(1) except as provided in section 1555 of this title, the terms defined under section 658 of this title shall have the meanings as so defined; and

(2) the term ''Director'' means the Director of the Congressional Budget Office.

(Pub. L. 104–4, § 3, Mar. 22, 1995, 109 Stat. 49.)

### § 1503. Exclusions

This chapter 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 government or any official of a State, local, or 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 [42 U.S.C. 401 et seq.] (including taxes imposed by sections 3101(a) and 3111(a) of title 26 (relating to old-age, survivors, and disability insurance)).

(Pub. L. 104–4, § 4, Mar. 22, 1995, 109 Stat. 49.)

REFERENCES IN TEXT

The Social Security Act, referred to in par. (7), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title II of the Act is classified generally to subchapter II (§ 401 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

### § 1504. Agency assistance

Each agency shall provide to the Director such information and assistance as the Director may reasonably request to assist the Director in carrying out this chapter.

(Pub. L. 104–4, § 5, Mar. 22, 1995, 109 Stat. 50.)

## SUBCHAPTER I—LEGISLATIVE ACCOUNTABILITY AND REFORM

### § 1511. Cost of regulations

**(a) Sense of Congress**

It is the sense of the Congress that Federal agencies should review and evaluate planned regulations to ensure that the cost estimates provided by the Congressional Budget Office will be carefully considered as regulations are promulgated.

**(b) Statement of cost**

At the request of a committee chairman or ranking minority member, the Director shall, to the extent practicable, prepare a comparison between—

(1) an estimate by the relevant agency, prepared under section 1532 of this title, of the costs of regulations implementing an Act containing a Federal mandate; and

(2) the cost estimate prepared by the Congressional Budget Office for such Act when it was enacted by the Congress.

**(c) Cooperation of Office of Management and Budget**

At the request of the Director of the Congressional Budget Office, the Director of the Office of Management and Budget shall provide data and cost estimates for regulations implementing an Act containing a Federal mandate covered by

part B of title IV of the Congressional Budget and Impoundment Control Act of 1974 [2 U.S.C. 658 et seq.].

(Pub. L. 104–4, title I, § 103, Mar. 22, 1995, 109 Stat. 62.)

REFERENCES IN TEXT

The Congressional Budget and Impoundment Control Act of 1974, referred to in subsec. (c), is Pub. L. 93–344, July 12, 1974, 88 Stat. 297, as amended. Part B of title IV of the Act is classified generally to part B (§ 658 et seq.) of subchapter II of chapter 17A of this title. For complete classification of this Act to the Code, see Short Title note set out under section 621 of this title and Tables.

EFFECTIVE DATE

Section 110 of title I of Pub. L. 104–4 provided that: ''This title [enacting this subchapter and sections 658 to 658g of this title and amending sections 602, 632, and 653 of this title] shall take effect on January 1, 1996 or on the date 90 days after appropriations are made available as authorized under section 109 [section 1516 of this title], whichever is earlier and shall apply to legislation considered on and after such date.''

### § 1512. Consideration for Federal funding

Nothing in this chapter shall preclude a State, local, or 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 658d(a)(2) of this title for the cost of the mandate, including the costs the State, local, or tribal government is currently paying and any additional costs necessary to meet the mandate.

(Pub. L. 104–4, title I, § 105, Mar. 22, 1995, 109 Stat. 62.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 104–4, Mar. 22, 1995, 109 Stat. 48, known as the Unfunded Mandates Reform Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

### § 1513. Impact on local governments

#### (a) Findings

The Senate finds that—

(1) the Congress should be concerned about shifting costs from Federal to State and local authorities and should be equally concerned about the growing tendency of States to shift costs to local governments;

(2) cost shifting from States to local governments has, in many instances, forced local governments to raise property taxes or curtail sometimes essential services; and

(3) increases in local property taxes and cuts in essential services threaten the ability of many citizens to attain and maintain the American dream of owning a home in a safe, secure community.

#### (b) Sense of Senate

It is the sense of the Senate that—

(1) the Federal Government should not shift certain costs to the State, and States should end the practice of shifting costs to local governments, which forces many local governments to increase property taxes;

(2) States should end the imposition, in the absence of full consideration by their legislatures, of State issued mandates on local governments without adequate State funding, in a manner that may displace other essential government priorities; and

(3) one primary objective of this chapter and other efforts to change the relationship among Federal, State, and local governments should be to reduce taxes and spending at all levels and to end the practice of shifting costs from one level of government to another with little or no benefit to taxpayers.

(Pub. L. 104–4, title I, § 106, Mar. 22, 1995, 109 Stat. 63.)

### § 1514. Enforcement in House of Representatives

#### (a) Omitted

#### (b) Committee on Rules reports on waived points of order

The Committee on Rules shall include in the report required by clause 1(d) of rule XI (relating to its activities during the Congress) of the Rules of the House of Representatives a separate item identifying all waivers of points of order relating to Federal mandates, listed by bill or joint resolution number and the subject matter of that measure.

(Pub. L. 104–4, title I, § 107, Mar. 22, 1995, 109 Stat. 63.)

CODIFICATION

Section is comprised of section 107 of Pub. L. 104–4. Subsec. (a) of section 107 of Pub. L. 104–4 amended the Rules of the House of Representatives, which are not classified to the Code.

### § 1515. Exercise of rulemaking powers

The provisions of sections 658 to 658g and 1514 of this title are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

(Pub. L. 104–4, title I, § 108, Mar. 22, 1995, 109 Stat. 63.)

### § 1516. Authorization of appropriations

There are authorized to be appropriated to the Congressional Budget Office $4,500,000 for each of the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002 to carry out the provisions of this subchapter.

(Pub. L. 104–4, title I, § 109, Mar. 22, 1995, 109 Stat. 64.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original ''this title'', meaning title I of Pub. L. 104–4, Mar.

22, 1995, 109 Stat. 50, which enacted this subchapter and sections 658 to 658g of this title, amended sections 602, 632, and 653 of this title, and enacted provisions set out as a note under section 1511 of this title.

## SUBCHAPTER II—REGULATORY ACCOUNTABILITY AND REFORM

### § 1531. Regulatory process

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

(Pub. L. 104–4, title II, § 201, Mar. 22, 1995, 109 Stat. 64.)

EFFECTIVE DATE

Section 209 of title II of Pub. L. 104–4 provided that: ''This title [enacting this subchapter] and the amendments made by this title shall take effect on the date of the enactment of this Act [Mar. 22, 1995].''

REGULATORY PLANNING AND REVIEW

For provisions stating regulatory philosophy and principles and setting forth regulatory organization, procedures, and guidelines for centralized review of new and existing regulations to make the regulatory process more efficient, see Ex. Ord. No. 12866, Sept. 30, 1993, 58 F.R. 51735, set out as a note under section 601 of Title 5, Government Organization and Employees.

### § 1532. Statements to accompany significant regulatory actions

**(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 1534 of this title) 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.

**(b) Promulgation**

In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) of this section is required, the agency shall include in the promulgation a summary of the information contained in the statement.

**(c) Preparation in conjunction with other statement**

Any agency may prepare any statement required under subsection (a) of this section 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) of this section.

(Pub. L. 104–4, title II, § 202, Mar. 22, 1995, 109 Stat. 64.)

### § 1533. Small government agency plan

**(a) Effects on small governments**

Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(1) provide notice of the requirements to potentially affected small governments, if any;

(2) enable officials of affected small governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates; and

(3) inform, educate, and advise small governments on compliance with the requirements.

**(b) Authorization of appropriations**

There are authorized to be appropriated to each agency to carry out the provisions of this section and for no other purpose, such sums as are necessary.

(Pub. L. 104–4, title II, § 203, Mar. 22, 1995, 109 Stat. 65.)

### § 1534. State, local, and tribal government 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 governments (or their designated employees with authority to act on their behalf) to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates.

**(b) Meetings between State, local, tribal and Federal officers**

The Federal Advisory Committee Act (5 U.S.C. App.) 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 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 March 22, 1995, the President shall issue guidelines and instructions to Federal agencies for appropriate implementation of subsections (a) and (b) of this section consistent with applicable laws and regulations.

(Pub. L. 104–4, title II, § 204, Mar. 22, 1995, 109 Stat. 65.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (b), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

DELEGATION OF AUTHORITY TO ISSUE GUIDELINES AND INSTRUCTIONS

Memorandum of President of the United States, Aug. 25, 1995, 60 F.R. 45039, provided:

Memorandum for the Director of the Office of Management and Budget

By the authority vested in me as President by the Constitution and laws of the United States, including section 204(c) of the Unfunded Mandates Reform Act of 1995 (Public Law 104–4) [2 U.S.C. 1534(c)] and section 301 of title 3 of the United States Code, I hereby delegate to the Director of the Office of Management and Budget the authority vested in the President to issue the guidelines and instructions to Federal agencies required by section 204(c) of that Act.

You are authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

### § 1535. Least burdensome option or explanation required

**(a) In general**

Except as provided in subsection (b) of this section, before promulgating any rule for which a written statement is required under section 1532 of this title, 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) of this section 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 March 22, 1995, 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 certification agencies and rulemakings that fail to adequately comply with this section.

(Pub. L. 104–4, title II, § 205, Mar. 22, 1995, 109 Stat. 66.)

### § 1536. Assistance to Congressional Budget Office

The Director of the Office of Management and Budget shall—

(1) collect from agencies the statements prepared under section 1532 of this title; and

(2) periodically forward copies of such statements to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

(Pub. L. 104–4, title II, § 206, Mar. 22, 1995, 109 Stat. 66.)

### § 1537. Pilot program on small government flexibility

**(a) In general**

The Director of the Office of Management and Budget, in consultation with Federal agencies, shall establish pilot programs in at least 2 agencies to test innovative, and more flexible regulatory approaches that—

(1) reduce reporting and compliance burdens on small governments; and

(2) meet overall statutory goals and objectives.

**(b) Program focus**

The pilot programs shall focus on rules in effect or proposed rules, or a combination thereof.

(Pub. L. 104–4, title II, § 207, Mar. 22, 1995, 109 Stat. 67.)

### § 1538. Annual statements to Congress on agency compliance

No later than 1 year after March 22, 1995, 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 subchapter.

(Pub. L. 104–4, title II, § 208, Mar. 22, 1995, 109 Stat. 67.)

CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999. Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

## SUBCHAPTER III—REVIEW OF FEDERAL MANDATES

### § 1551. Baseline study of costs and benefits

**(a) In general**

No later than 18 months after March 22, 1995, the Advisory Commission on Intergovernmental Relations (hereafter in this subchapter referred to as the ''Advisory Commission''), in consultation with the Director, shall complete a study to examine the measurement and definition issues involved in calculating the total costs and benefits to State, local, and tribal governments of compliance with Federal law.

**(b) Considerations**

The study required by this section shall consider—

(1) the feasibility of measuring indirect costs and benefits as well as direct costs and benefits of the Federal, State, local, and tribal relationship; and

(2) how to measure both the direct and indirect benefits of Federal financial assistance and tax benefits to State, local, and tribal governments.

(Pub. L. 104–4, title III, § 301, Mar. 22, 1995, 109 Stat. 67.)

### § 1552. Report on Federal mandates by Advisory Commission on Intergovernmental Relations

**(a) In general**

The Advisory Commission on Intergovernmental Relations shall in accordance with this section—

(1) investigate and review the role of Federal mandates in intergovernmental relations and their impact on State, local, tribal, and Federal government objectives and responsibilities, and their impact on the competitive balance between State, local, and tribal governments, and the private sector and consider views of and the impact on working men and women on those same matters;

(2) investigate and review the role of unfunded State mandates imposed on local governments;

(3) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for State, local, and tribal governments in complying with specific Federal mandates for which terms of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) suspending, on a temporary basis, Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of State, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by State, local, and tribal governments with those mandates;

(F) establishing common Federal definitions or standards to be used by State, local, and tribal governments in complying with Federal mandates that use different definitions or standards for the same terms or principles; and

(G)(i) the mitigation of negative impacts on the private sector that may result from relieving State, local, and tribal governments from Federal mandates (if and to the extent that such negative impacts exist on the private sector); and

(ii) the feasibility of applying relief from Federal mandates in the same manner and to the same extent to private sector entities as such relief is applied to State, local, and tribal governments; and

(4) identify and consider in each recommendation made under paragraph (3), to the extent practicable—

(A) the specific Federal mandates to which the recommendation applies, including requirements of the departments, agencies, and other entities of the Federal Government that State, local, and tribal governments utilize metric systems of measurement; and

(B) any negative impact on the private sector that may result from implementation of the recommendation.

**(b) Criteria**

**(1) In general**

The Commission shall establish criteria for making recommendations under subsection (a) of this section.

**(2) Issuance of proposed criteria**

The Commission shall issue proposed criteria under this subsection no later than 60 days after March 22, 1995, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

**(3) Final criteria**

No later than 45 days after the date of issuance of proposed criteria, the Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Commission determines will aid the Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

**(c) Preliminary report**

**(1) In general**

No later than 9 months after March 22, 1995, the Commission shall—

(A) prepare and publish a preliminary report on its activities under this subchapter, including preliminary recommendations pursuant to subsection (a) of this section;

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

**(2) Public hearings**

The Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Commission under this subsection.

**(d) Final report**

No later than 3 months after the date of the publication of the preliminary report under subsection (c) of this section, the Commission shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on the Budget of the Senate, and the Committee on the Budget of the House of Representatives, and to the President a final report on the findings, conclusions, and recommendations of the Commission under this section.

**(e) Priority to mandates that are subject of judicial proceedings**

In carrying out this section, the Advisory Commission shall give the highest priority to immediately investigating, reviewing, and making recommendations regarding Federal mandates that are the subject of judicial proceedings between the United States and a State, local, or tribal government.

**(f) "State mandate" defined**

For purposes of this section the term ''State mandate'' means any provision in a State statute or regulation that imposes an enforceable duty on local governments, the private sector, or individuals, including a condition of State assistance or a duty arising from participation in a voluntary State program.

(Pub. L. 104–4, title III, § 302, Mar. 22, 1995, 109 Stat. 67.)

CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999. Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

## § 1553. Special authorities of Advisory Commission

**(a) Experts and consultants**

For purposes of carrying out this subchapter, the Advisory Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5.

**(b) Detail of staff of Federal agencies**

Upon request of the Executive Director of the Advisory Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Advisory Commission to assist it in carrying out this subchapter.

**(c) Administrative support services**

Upon the request of the Advisory Commission, the Administrator of General Services shall provide to the Advisory Commission, on a reimbursable basis, the administrative support services necessary for the Advisory Commission to carry out its duties under this subchapter.

**(d) Contract authority**

The Advisory Commission may, subject to appropriations, contract with and compensate government and private persons (including agencies) for property and services used to carry out its duties under this subchapter.

(Pub. L. 104–4, title III, § 303, Mar. 22, 1995, 109 Stat. 69.)

## § 1554. Annual report to Congress regarding Federal court rulings

No later than 4 months after March 22, 1995, 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 government was a party in the preceding calendar year that required such State, local, or tribal government to undertake responsibilities or activities, beyond those such government would otherwise have undertaken, to comply with Federal statutes and regulations.

(Pub. L. 104–4, title III, § 304, Mar. 22, 1995, 109 Stat. 70.)

CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999. Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

### § 1555. "Federal mandate" defined

Notwithstanding section 1502 of this title, for purposes of this subchapter 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 governments including a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

(Pub. L. 104–4, title III, § 305, Mar. 22, 1995, 109 Stat. 70.)

### § 1556. Authorization of appropriations

There are authorized to be appropriated to the Advisory Commission to carry out section 1551 of this title and section 1552 of this title, $500,000 for each of fiscal years 1995 and 1996.

(Pub. L. 104–4, title III, § 306, Mar. 22, 1995, 109 Stat. 70.)

## SUBCHAPTER IV—JUDICIAL REVIEW

### § 1571. Judicial review

**(a) Agency statements on significant regulatory actions**

**(1) In general**

Compliance or noncompliance by any agency with the provisions of sections 1532 and 1533(a)(1) and (2) of this title 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 1532 and 1533(a)(1) and (2) of this title shall be subject to judicial review only under section 706(1) of title 5, 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 1532 of this title or the written plan under section 1533(a)(1) and (2) of this title, 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 1532 and 1533(a)(1) and (2) of this title, 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 1532 and 1533(a)(1) and (2) of this title 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) of this section—

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

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

(Pub. L. 104–4, title IV, § 401, Mar. 22, 1995, 109 Stat. 70.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original ''this Act'', meaning Pub. L. 104–4, Mar. 22, 1995, 109 Stat. 48, known as the Unfunded Mandates Reform Act of 1995. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

## CHAPTER 26—DISCLOSURE OF LOBBYING ACTIVITIES

Sec.
1601. Findings.
1602. Definitions.
1603. Registration of lobbyists.
1604. Reports by registered lobbyists.
1605. Disclosure and enforcement.
1606. Penalties.
1607. Rules of construction.
1608. Severability.
1609. Identification of clients and covered officials.
1610. Estimates based on tax reporting system.
1611. Exempt organizations.
1612. Sense of Senate that lobbying expenses should remain nondeductible.
1613. Prohibition on provision of gifts or travel by registered lobbyists to Members of Congress and to congressional employees.
1614. Annual audits and reports by Comptroller General.

### § 1601. Findings

The Congress finds that—