

2020 POLICY BRIEF



Restore the Balance of Federalism and Optimize Intergovernmental Partnerships

ACTION NEEDED:

Urge your Members of Congress to support passage of the Restore the Partnership Act (H.R. 3883) and the Unfunded Mandates Information and Transparency Act (H.R. 300) to increase transparency and reduce the regulatory burden of unfunded federal mandates on the public, foster intergovernmental dialogue and unite all levels of government in supporting our system of federalism.

BACKGROUND:

America's system of federalism divides governing responsibilities between the federal government and state and local governments. While there is a clear distinction and separation of powers and duties among these levels of government, there is also a deep interconnectedness and interdependence. We are bonded together by a shared purpose to achieve public policy outcomes that best serve the American public, often requiring the collective efforts of federal, state, local and tribal governments working together.

From 1959-1996, the Advisory Council on Intergovernmental Relations (ACIR) served as the preeminent bipartisan, independent organization promoting strong intergovernmental relations. ACIR produced high-quality information, data and analyses, including over 130 policy reports with action recommendations, 194 information reports and about 80 issues of a magazine titled, "Intergovernmental Perspective." ACIR also helped develop congressional legislation related to improving the administration of federal grants and served as a valuable advisor to presidents, state leaders and local elected officials.

In recent decades, we have witnessed a significant decline in structured, intentional dialogue and partnership among federal, state and local government officials. Counties are responsible for a wide range of issues, including public infrastructure, transportation, healthcare, economic development, criminal justice and law enforcement, and many others. While some of these responsibilities are unique to counties, in many cases we

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Counties across the country serve nearly 310 million residents, employ 3.6 million people and invest nearly \$600 billion annually in local programs and services, including those mandated by federal and state directives

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work with our state and federal partners to achieve optimal solutions. We often serve as co-regulators with our state and federal counterparts. While policies and programs established by the federal government are intended to guide and coordinate efforts, they are ultimately implemented and enforced at the state and local levels.

Counties are also dealing with the heavy burden of unfunded federal mandates. When the cost of unfunded mandates outweighs available funds at the local level, counties often must make difficult budget choices on services needed for their community. In order to ensure the wellbeing of our communities, NACo calls on Congress to require federal agencies to engage with state and local governments often, and as early as possible, when considering proposed and pending mandates that have a direct impact on state and local governments.

In July 2019, Reps. Gerry Connolly (D-Va.) and Rob Bishop (R-Utah) introduced the bipartisan Restore the Partnership Act (H.R. 3883) to reconstitute and reform the U.S. Advisory Council on Intergovernmental Relations (ACIR). The purpose of this new commission, the Commission on Intergovernmental Relations of the United States, would be to facilitate cooperation and accountability among federal, state, tribal and local governments on both legislation and new regulatory efforts. The new commission would include four seats for county elected officials.

Counties also support passage of the Unfunded Mandates Information Transparency Act (UMITA, H.R. 300), which would update the Unfunded Mandates Reform Act (UMRA). While UMRA still serves as a guiding principle for new legislation, over time Congress has found ways to circumvent the law and federal agencies have unevenly applied federalism consultation protocols in the rulemaking process. Passing UMITA would address both issues and further strengthen intergovernmental collaboration and the quality of laws and regulations approved by the federal government.

KEY TALKING POINTS:

Federalism is an important feature of our governmental system, and it is important that all levels of government work together to solve our shared challenges. This ensures there is a system of checks and balances between levels of government, so that one level of government does not overwhelm the others. In pursuit of strengthening our federalist system, it is important the federal government work more closely with state and local governments.

Reconstituting the Advisory Council on Intergovernmental Relations (ACIR) would establish a national commission focused on how governments are interacting. Governments work best when they work together, and this new commission would help shine a spotlight both on areas of potential improvement as well as examples of successful collaboration. The new commission would also help ensure the federal government does not place unfunded mandates on states and local governments.

The bipartisan Restore the Partnership Act takes an important step in re-establishing a comprehensive approach to evaluating the impact of legislative and regulatory decisions on states and local governments. County officials stand ready with innovative approaches and solutions to work side-by-side with our federal and state partners to ensure the health, well-being and safety of our citizens.

For further information, contact Eryn Hurley at 202.942.4204 or ehurley@naco.org.



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