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February 27, 2017

Representative
U.S. House of Representatives
Washington, DC 20515

RE: OIRA Insight, Reform, and Accountability Act (H.R. 1009) (oppose)

Dear Representative:

The National Consumer Law Center (on behalf of its low income clients) urges you to strongly oppose H.R. 1009, the OIRA Insight, Reform, and Accountability Act, which would undercut protections for working Americans, small businesses, and consumers.

The OIRA Insight, Reform, and Accountability Act is portrayed as a mere codification of previous Executive Orders, but in fact it further undermines the rulemaking process. It would codify the numerous burdensome requirements contained in the orders— many of which are biased against protecting the public, vague, and in some cases mutually inconsistent. In many instances, the legislation also replaces flexibility in the Executive Orders with narrower, inflexible language. The bill would override congressional mandates that require agencies to prioritize public protection over the profits of industries that pose a risk to the public. The bill would also encourage judges to second guess the expertise of federal agencies and their experts on complicated technological issues. The bill would create enormous uncertainty for the public and corporate stakeholders by leading to more lawsuits challenging regulations once finalized.

The bill would also effectively undermine congressionally chartered independent agencies by putting them under the influence of the Office of the President and would make it harder for them to do their work free from political interference. It would give the President the power to impose multiple, needless new analytical requirements on independent agencies and to engage in unprecedented interference with their regulations, through intrusive reviews by OIRA. OIRA could veto rulemakings even if they are well justified by the evidence. This bill would render the independence of these agencies meaningless, and make agencies critical to protecting consumers and holding Wall Street accountable, such as the Consumer Financial Protection Bureau, the Consumer Product Safety Commission, the Federal Communications Commission, and the Federal Trade Commission, independent in name only.

Partisan politics are precisely why independent agencies are important to provide a steady course, no matter which party controls the White house. Two Republican-led committees expressed strong concerns about the perceived lack of independence of certain independent agencies from President Obama. We urge those who support the important principle of keeping these agencies independent of undue presidential influence to do so even though the presidency has changed parties.

We strongly urge you to oppose H.R. 1009.

Sincerely,

A handwritten signature in black ink, appearing to read "Lauren K. Saunders". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Lauren K. Saunders
Associate Director