



Advancing Fairness
in the Marketplace for All

BOSTON HEADQUARTERS
7 Winthrop Square, Boston, MA 02110-1245
Phone: 617-542-8010 • Fax: 617-542-8028

WASHINGTON OFFICE
1001 Connecticut Avenue NW, Suite 510, Washington, DC 20036
Phone: 202-452-6252 • Fax: 202-296-4062

www.nclc.org

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Dear Senator,

The National Consumer Law Center, on behalf of its low-income clients, strongly opposes five damaging regulatory bills to be marked up in the Senate Homeland Security and Governmental Affairs Committee and urges you to ensure these harmful provisions do not become law. The bills, the Regulatory Accountability Act, the REINS Act, the Midnight Rules Relief Act, the Small Business Regulatory Flexibility Improvements Act, and the Early Participation in Regulations Act, would undermine the federal government's role in protecting the health and financial welfare of all Americans.

The Regulatory Accountability Act, S. 951, would further paralyze the regulatory process and further tilt the process in favor of industry and its deregulatory agenda. The devastating impact of this legislation, which covers guidance documents as well as rulemakings, would be felt in every area of public interest policymaking – potentially impacting women's health, consumer protection, civil rights, food safety, financial reform, labor, environmental issues, and more. The current rulemaking process is already plagued with lengthy delays, undue influence by regulated industries, and convoluted court challenges. This bill will make each of these problems substantially worse. If passed, it would undermine our public protections and jeopardize public health by threatening the science-based safeguards that ensure our access to clean air and water, safe workplaces, untainted food and drugs, and safe toys and consumer goods. Moreover, the House version of the RAA folds in several destructive pieces of other so-called regulatory reform bills, including the misleadingly named Small Business Regulatory Flexibility Improvements Act, the Require Evaluation before Implementing Executive Wishlists Act (REVIEW Act), the All Economic Regulations are Transparent Act (ALERT Act), the Separation of Powers Restoration Act, and the Providing Accountability Through Transparency Act. These pieces of other bills seek to worsen an already destructive bill and add several more corrosive layers intending to dismantle our public protections.

The REINS Act, S. 21, would essentially halt the implementation of critical new public health and safety protections, making it even more difficult to hold corporations accountable for actions that harm the public. It would require both houses of Congress to approve a major rule, with no alterations, within a 70-day window. If both chambers are unable to approve a major rule, it would not take effect and would be tabled until the next congressional session.

The Midnight Rules Relief Act, S. 34, would magnify the destructive effects of the Congressional Review Act (CRA) by allowing Congress to simultaneously reject numerous public protections finalized near the end of presidential terms, instead of blocking them one at a time, as permitted under current law. Unlike the CRA's expedited procedures, agency rules are subjected to myriad accountability mechanisms. For each rule, the agency must articulate a policy rationale that is supported by the rulemaking record and consistent with the requirements of the authorizing statute. In contrast, members of Congress would not have to articulate any rationale at all when rejecting dozens, perhaps even hundreds, of vital public safeguards at one time.

The Small Business Regulatory Flexibility Improvements Act, S. 584, would expand the reach and scope of regulatory review panels, increase unnecessary regulatory delays by adding burdensome analytical requirements, increase undue influence by regulated industries and encourage wasteful litigation. The bill purports to help "small business," but its provisions would apply so expansively that it would sweep in rules that primarily impact only the biggest corporations. In particular, because the bill mandates that agencies account for "indirect costs," it could be applied to virtually any agency regulation.

The Early Participation in Regulations Act, S. 579, adds more delays to the rulemaking process across the board. It would require agencies to issue advance notice of their major rules, in addition to the notice and comment opportunity already provided. This step is unnecessary for the vast majority of rulemakings and would prevent agencies from responding swiftly and effectively to public health and safety disasters.

We strongly urge opposition to all of these bills.

Sincerely,

Alys Cohen
Staff Attorney