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The Honorable Jason Chaffetz
Chairman
House of Representatives Committee on
Oversight and Government Reform
Washington, DC 20515

The Honorable Elijah Cummings
Ranking Member
House of Representatives Committee on
Oversight and Government Reform
Washington, DC 20515

RE: Mark-up of the OIRA Insight, Reform, and Accountability Act (H.R. 1009)

Dear Chairman Chaffetz and Ranking Member Cummings:

Public Citizen urges members of the committee to strongly oppose H.R. 1009, the OIRA Insight, Reform, and Accountability Act, which would further enable the radical and dangerous deregulatory agenda under this Administration which puts corporate profits before protecting working Americans, small businesses, and consumers.

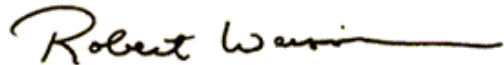
The OIRA Insight, Reform, and Accountability Act is portrayed as a mere codification of previous Executive Orders, but in fact it further undermines the rulemaking process. It would codify the numerous burdensome requirements contained in the orders— many of which are biased against protecting the public, vague, and in some cases mutually inconsistent — and would have the disastrous effect of making compliance subject to judicial review. In many instances, the legislation also removes flexibility in the Executive Orders with narrower, inflexible language. Particularly concerning, this bill would in effect rewrite dozens of public interest laws containing congressional mandates that require agencies to prioritize public health and safety and the preservation of the environment, clean air, and clean water over concerns for industry profits. It also would make federal agency science much more vulnerable to judicial review. 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 new analytical requirements on independent agencies and to engage in unprecedented interference with their regulations, through intrusive reviews by OIRA. In unprecedented fashion, independent agency rulemakings would be reviewed by OIRA in order to ensure that such rulemakings align with Presidential policy preferences and could be vetoed by OIRA if that is not the case. 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. We encourage Chairman Chaffetz and other committee members that expressed strong concerns about the perceived lack of independence of certain independent agencies from President Obama to continue supporting the important principle of keeping these agencies independent of undue presidential influence.¹

Finally, while the legislation offers long sought after reforms to OIRA in areas that have been longstanding concerns to Public Citizen, namely increasing transparency at OIRA and reducing chronic regulatory delays related to OIRA review, such reforms should be proposed and adopted on their own terms and not in the context of other harmful provisions. Numerous Government Accountability Office studies reviewing OIRA compliance with Executive Order requirements have clearly shown that OIRA has little trouble complying with the analytical and cost-benefit provisions in Executive Orders yet is unable or unwilling to comply with Executive Order provisions that require OIRA to be transparent about changes it makes to rules it reviews and abide by specified time periods for reviewing rules.² Public Citizen stands ready to work with Committee leadership and other members of the Committee to address critical OIRA reforms that are much-needed, overdue, and make OIRA's review process work for the public rather than for corporate special interests.

Sincerely,

A handwritten signature in black ink that reads "Robert Weissman". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Robert Weissman

President, Public Citizen

¹ <http://www.latimes.com/business/la-fi-net-neutrality-fcc-chaffetz-probe-20150209-story.html>

² <http://www.gao.gov/products/GAO-16-505T>