



Small Business Jobs Act Package Anti-Regulatory Bills

The Small Business Jobs Act should represent its name, and be a package of non-controversial, bi-partisan bills aimed at helping small businesses. Unfortunately, instead the bill has been used by special interests as a mechanism for several damaging “poison pill” bills that threaten the nation’s vital health, safety, environmental, and financial protections, among others. These protections ensure that our food is safe to eat, our water is clean to drink, our air is healthy to breathe, our consumer products are not dangerous, workers are protected from hazards on the job, investors are confident in the economy, and so much more.

There is no evidence that any of the bills hitching a ride on this small business package will create new jobs or help small business. The words ‘small business’ does not even appear in the text of any of these bills. The clear outcome of the bills are policies to benefit the large corporate regulated entities and special interests writing the rules and regulating themselves, with families, workers, consumers, small businesses and the public paying the price.

The Coalition for Sensible Safeguards strongly opposes:

Title XVII, S. 1607, Independent Agency Regulatory Analysis Act: This bill would make it harder for independent agencies to do their work free from political interference. It would give any 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 the Office of Information and Regulatory Affairs (OIRA). Significantly, the bill would make OIRA’s criticisms of independent agency rules part of the rulemaking record where they could be considered during judicial review. The bill would give OIRA significant leverage to demand changes to independent agency rules, since those agencies will be eager to avoid OIRA criticisms of their rules, no matter how specious, that might provide a reviewing judge with fodder for striking them down later. There is no reason to cripple independent agency expertise and judgement. These independent agencies include the Consumer Financial Protection Bureau, the Consumer Product Safety Commission, the Federal Communications Commission, and the Federal Trade Commission.

Title XVI, S. 1820, Early Participation in Regulations Act: This bill would require all agencies, including independent agencies, to conduct an advanced notice of proposed rulemaking (ANPRM) for all their major rules. The requirement ignores the fact that agencies already use advance notice when it makes sense. Agencies shouldn’t be required to do this time-consuming process for every significant rule, since the normal rulemaking process already gives the public and special interests many opportunities for public comment and to influence the shape of a final rule. This would just delay crucial rules and increase industry influence on them. Public Citizen’s comprehensive [report](#) on regulatory delays showed that ANPRMs result in rulemakings that take twice as long as those without ANPRMs.

Title XV, S. 1818, Principled Rulemaking Act: This bill is portrayed as a mere codification of two Executive Orders, but in fact it further undermines the rulemaking process. It would codify several burdensome requirements contained in the orders governing the regulatory process with the disastrous effect of making compliance subject to judicial enforcement. Many of these requirements are vague or mutually inconsistent, which will lead to wasteful litigation and needless delays. Other provisions are heavily biased against protecting the public, and thus would provide corporate interests with another weapon for attacking critical safeguards. 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 give non-expert judges more power to second-guess federal agency science.