



Oppose the Enzi Budget (S. Con. Res. 11) and All Amendments Attacking our System of Public Protections

March 26, 2015

Dear Senator:

On behalf of more than 150 consumer, small business, labor, scientific, research, good government, faith, community, health, environmental, and public interest groups, as well as the millions of Americans that our groups represent, the Coalition for Sensible Safeguards urges you to oppose S. Con. Res. 11, the Enzi Budget, and vote “NO” on all proposed amendments that would undermine our system of regulatory safeguards that secures our quality of life and paves the way for a sound economy that benefits us all.

The amendments below would undermine the nation’s strong public health, safety, financial security, labor, consumer protection, and environmental laws and do not deserve your support. **We urge you to oppose** all amendments that undermine our system of safeguards, including:

- **Coats 369** would undermine the structure of the Consumer Financial Protection Bureau (CFPB), which is critical to its success of ensuring a fair marketplace for consumers. Replacing CFPB’s director with a five-member commission is simply designed to block the agency’s ability to respond swiftly to threats against the financial interests of families across the country.
- **Daines 390** would require all agencies to conduct wasteful reviews of all their regulations—no matter how non-controversial or minor—every ten years. Agencies already work under extreme resource constraints, and the absurd burden of complying with this measure would all but prevent them from carrying out even their basic core missions of protecting people and the environment.
- **Portman 396** would set a terrible precedent by permitting states to ignore federal regulations based on laws passed by Congress. This overreach makes it virtually impossible for the Environmental Protection Agency (EPA) to fulfill its mission of protecting the public health and the environment. In particular, this amendment would permit states to flout regulations that Congress mandated the EPA to adopt when it passed the Clean Air Act.
- **Rounds 412** would undermine the right of citizens to compel agencies to do their jobs and enforce federal laws and regulations according to timelines set by law. By involving state and local governments in court-approved settlements with agencies, this amendment adds needless complication to a process that works for the public.
- **Ayotte 489** would require relevant agencies to take unreasonably risky steps to reduce burdens on small businesses, particularly burdens on state-regulated insurance companies and investment advisors. Such deregulation could put consumers at risk of financial harm, and make them more vulnerable to insurers that fail or investment advisors who exploit the public.
- **Inhofe 496** would add wasteful procedural steps to “deadline suits” filed by citizens when agencies fail to meet regulatory deadlines, and it would add a duplicative transparency requirement to an already transparent process. The result? More delays, not more sunlight.

- **Sullivan 506** would require agencies, when assessing the costs and benefits of regulations, to include the “full costs” of a regulation, including “indirect job losses.” The amendment proposes an impossible and unknowable task for agencies and would contribute to the already lengthy delays in agency action on crucial public protections. It may also offer an avenue for regulations to be blocked indefinitely, as agencies would be required to undertake a potentially endless search for every indirect job impact resulting from the regulation, no matter how remote or unlikely.
- **Rubio 564** would subject agencies to a regulatory budget. Ignoring how the regulatory process really works, this amendment would make it very difficult for agencies to react quickly to emerging threats like the Ebola epidemic or fatalities caused by under-regulated compounding pharmacies. By limiting the number of regulations that agencies can implement, this amendment simply shifts the costs of deregulation onto the backs of consumers and working families who pay the price of allowing big oil and gas companies to pollute the air and water or of allowing the big banks on Wall Street to gamble with implicit taxpayer backing.
- **Manchin 581** would have nothing to do with the original Office of Technology Assessment (OTA), which Congress eliminated all funding for in 1995. That OTA did something useful – it provided independent science and technology advice to Congress. This is a “faux” agency whose only role would be to make it even more difficult for agencies to ensure that public health and safety, the environment, and our financial system are protected. This amendment is so vaguely written, it’s not clear whether this OTA would be evaluating agency cost-benefit analyses, producing rival analyses, or supplying some other information about cost-benefit analysis theory.
- **Coats 654** would impose on agencies unworkable, one-size-fits-all analytical requirements that would waste scarce resources, duplicate what most agencies already do, and prevent them from fulfilling their statutory missions of protecting people and the environment. By making agency estimates of the costs and benefits of their regulations subject to judicial scrutiny, this amendment could put core public protections and environmental safeguards at the mercy of the non-expert or activist judges.
- **Flake 668** is vaguely worded about agency performance but specific about one thing: the money to accomplish its goal would come from the budgets of agencies that are already resource-strapped as they work to fulfill their core missions. This amendment ignores the role of the Government Accountability Office (GAO), which is already tasked with continually assessing the efficiency and effectiveness of federal programs.
- **Ernst 772** is based on the inaccurate assumption that agencies do not pay attention to public comments. Federal agencies are under a strict legal obligation, under the Administrative Procedure Act, to consider and respond to comments before finalizing regulations. Non-compliance risks having their regulations overturned in court. Empirical evidence shows that most agencies carefully respond to public comments, particularly those from industries.
- **Hatch 827** regurgitates nearly every bad regulatory proposal from current and previous Congresses. It would use the agencies’ own funds to enforce these new burdens. Agencies would be required to use the “least costly alternative” when regulating, making any regulation subject to industry challenges, and repeating the failure of the EPA to ban asbestos. It would provide an expedited process to deregulate, and opens the door to direct Congressional meddling in rule-making.
- **Ayotte 852** would require relevant agencies to take unreasonably risky steps to alleviate burdens on small businesses by slowing down the application and the enforcement of new regulations to businesses of all sizes, including big businesses, while agencies study a regulation’s impact on small businesses. Such an unnecessary and overly broad approach creates a loophole for big businesses.

- **Hoeven 886** would seek to establish a deficit-neutral reserve to ensure accountability and transparency at the Consumer Financial Protection Bureau (CFPB) and is a thinly-veiled attempt to cast doubt on the CFPB's accountability when, in fact, it is already the most transparent and accountable Federal financial agency.
- **Cruz 974** would essentially give a “get out of a jail free” card to violators of any federal rules by eliminating all criminal penalties for violations of agency regulations intended to protect the public. If this amendment passes, it would be good news for corporate polluters, food processors who don’t care if their products cause illness and deaths, and for the greedy Wall Street bankers whose fraudulent activities nearly destroyed the U.S. economy just a few years ago. In a time of dwindling agency enforcement budgets, the targeted use of criminal penalties for regulatory violations offers agencies a critical mechanism for protecting people and the environment.

We urge you to oppose these specific amendments and others in this vein.

Sincerely,

The Coalition for Sensible Safeguards