



February 1, 2016

The Honorable John Kline
Chairman
House of Representatives
Education & the Workforce Committee
Washington, DC 20515

The Honorable Robert Scott
Ranking member
House of Representatives
Education & the Workforce Committee
Washington, DC 20515

RE: Mark-up on H.R. 4293, the Affordable Retirement Advice Protection Act and H.R. 4294, Strengthening Access to Valuable Education and Retirement Support Act

Dear Representative:

The Coalition for Sensible Safeguards (CSS), an alliance of over 150 labor, scientific, research, good government, faith, community, health, environmental, and public interest groups, strongly opposes H.R. 4293 the Affordable Retirement Advice Protection Act, and H.R. 4294, the Strengthening Access to Valuable Education and Retirement Act.

CSS opposes these bills because they would undermine efforts by the Department of Labor to protect workers and retirees from conflicted retirement investment advice. In fact, these bills are worse than the status quo, as they would codify existing loopholes that allow financial professionals to evade their fiduciary duty to their clients and would weaken the standards of conduct owed to clients should a fiduciary duty ever apply.

We're also opposed because they would set a very dangerous precedent for our entire regulatory process. These bills would derail the proposed regulation by subjecting it to an affirmative vote of approval by both the House and Senate and the President within 60 days after H.R. 4293 or H.R. 4294 becomes law.

These provisions of the bills are similar to the approach taken in H.R. 427, the Regulations from the Executive in Need of Scrutiny Act (REINS). REINS would subject all major rules to a joint vote of approval, without alterations, within a 70-day legislative window, before they could move forward.

This requirement is a threat to our democratic process. Agencies make rules based on the laws that Congress has approved and the President signs. If agencies overstep their bounds, they likely will be taken to court, where their rules will be subject to judicial review including a possible reversal of the agency action. Congress can already use the Congressional Review Act to review and nullify a rule, by passing a resolution of disapproval, which the president must sign or veto.

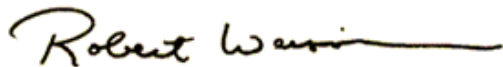
Overturing a regulation, based on a Congressionally-approved statute, at the very least, should require the agreement of both the House and Senate to ensure that the democratic process is served. But this provision would not even provide for that level of democratic accountability. It will only increase partisan gridlock.

We agree with the Obama Administration's strongly worded veto threat for REINS last year. The White House warned that "this radical departure from the longstanding separation of powers between the Executive and Legislative branches would delay and, in many cases, thwart implementation of statutory mandates and execution of duly-enacted laws, create business uncertainty, undermine much-needed protections of the American public, and cause unnecessary confusion." We encourage those members that have voted against the REINS Act to remain consistent and vote against its application to this DOL rule and other public protections.

To use a REINS-like mechanism to overturn this particular rule is unprecedented. These bills' passage will only embolden radical members of both chambers to attempt this scheme to derail other rules, potentially jeopardizing crucial public health and safety and environmental protections.

We urge you to vote no on H.R. 4293 and H.R. 4294.

Sincerely,

A handwritten signature in black ink that reads "Robert Weissman". The signature is fluid and cursive, with a long horizontal flourish at the end.

Robert Weissman, President
Public Citizen
Chair, Coalition for Sensible Safeguards

The Coalition for Sensible Safeguards is an alliance of consumer, labor, scientific, research, good government, faith, community, health, environmental, and public interest groups, as well as concerned individuals, joined in the belief that our country's system of regulatory safeguards provides a stable framework that secures our quality of life and paves the way for a sound economy that benefits us all.