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CONGRESSWOMAN SHEILA JACKSON LEE, OF TEXAS

RULES COMMITTEE TALKING POINTS

H.R. 3010

"THE REGULATORY ACCOUNTABILITY ACT OF 2011"

AMENDMENT # 3



NOVEMBER 29, 2011

I would like to thank the Chairman for the opportunity to explain my amendment to H.R. 3010, the “Regulatory Accountability Act of 2011,” which amends the Administrative Procedures Act of 1946. My amendment #3 would clarify that the agency would retain the discretion to determine whether to provide advance notice, not later than 90 days, of a proposed rule prior to its publication in the Federal Register.

- In its current form, the Regulatory Accountability Act adds a burdensome requirement to provide advanced notice of a rulemaking. My amendment simply retains the discretion within the federal agency, as opposed to Congressional micromanagement. Let the skilled and professional managers do their jobs and make decisions.

- I have offered this amendment to mitigate the uncertainty regarding federal laws and rulemaking. Businesses large and small have made their voices heard, and they want efficient, simplified, and decisive rulemaking, not the increased uncertainty and confusion that this provision would bring about if this bill passes.
- Currently, Bill requires Advance Notices of Proposed Rulemaking (ANPRs) 90 days before an agency may propose any major or high impact rule or a rule involving novel legal or policy issues that arise from statutory mandates. ANPRs must disclose in writing information already known to the agency and the legal basis for a potential rulemaking.
- Under current law, the process already takes as long as eight years to complete. Some advocates groups also have expressed concern that by extending the rule-making process, regulatory uncertainty could increase, which may make it more cost effective for agencies to seek enforcement

through the courts, and thereby reduce the public's ability to participate in the process. These costs add to the cost of doing business and eat away at the profits of our businesses, particularly our small businesses which often are not as equipped to absorb additional costs.

- The prolonged or indefinite delay of these life saving regulations threaten the very air that Americans breathe, the parks they walk in with their babies, and the delivery of vital services to seniors and the disabled. I cannot speak for my colleagues on the other side of the aisle, but I certainly do not want to slow the promulgation of regulations to a drip.
- **Since 1999, Houston has exchanged titles with Los Angeles for the poorest air quality in the nation.** The poor air quality is attributed to the amount of aerosols, particles of carbon and sulfates in the air. The carcinogens found in the air have been known to cause cancer,

particularly in children. The EPA is the very agency charged with issuing regulations that would address this serious problem. This bill may very well impact the issuance of regulations and rulemaking that attempt to improve the air that we breathe, the water that we drink, our public lands, and our public health by deep funding cuts in priority initiatives.

- Mr. Chairman, the gist of this legislation aims to reduce regulations with the idea to lower costs and burdens for businesses. Many of the provisions in this law do just the opposite because they delay the issuance of rules that will help businesses plan. Our businesses can deal with most things but uncertainty is surely a job killer.

- My amendment will not affect the intent of the bill; it merely ensures that the federal agencies and the officials that are charged with implementing laws that we make here in Congress, are not burdened by arbitrary notice requirements that simply delay and add uncertainty to the entire rulemaking process.
- I urge my colleagues to support my amendment and let the continue to allow the professionals in our federal agencies to do the jobs that the American people have hired them to do.

Thank you, Mr. Chairman. I yield back the balance of my time.