



January 10, 2017

Key Vote YES on the Regulatory Accountability Act, H.R. 5

On behalf of FreedomWorks' activist community, I urge you to contact your representative and urge him or her to vote YES on the Regulatory Accountability Act, H.R. 5, introduced by House Judiciary Committee Chairman Bob Goodlatte (R-Va.). The legislation seeks to reform the regulatory process, making it more transparent for the American people and more accountable to Congress. It also includes language to reverse the *Chevron* deference, which has been used by regulatory agencies to enact law without judicial review.

The Regulatory Accountability Act brings together several regulatory reform bills that have previously passed the U.S. House of Representatives. Included in the text of H.R. 5 is the Separation of Powers Restoration Act, or SOPRA, and the All Economic Regulations are Transparent (ALERT) Act.

Section 103 of the bill requires federal agencies to "adopt the least costly rule considered during the rule making...that meets relevant statutory objectives." Section 104 requires transcripts of testimony, exhibits, and other relevant information be made available electronically.

Section 202 of the Regulatory Accountability Act contains the language of the Separation of Powers Restoration Act, for which FreedomWorks has issued a letter of support.

A result of the Supreme Court ruling in *Chevron U.S.A. v. Natural Resources Defense Council, Inc.* (1984) was deference to regulatory agencies' interpretations of "silent or ambiguous" statutes. This ruling effectively allowed bureaucrats to create law without the consent of Congress. Section 202 ends the *Chevron* deference and requires federal courts to conduct a new, or *de novo*, and full review of all interpretations of constitutional and statutory law made by a regulatory agency.

The Regulatory Accountability Act also incorporates the language of the Small Business Regulatory Flexibility Improvements Act, which requires regulatory agencies to account for the direct and indirect impact of rules on small businesses. Section 307 also requires regulatory agencies to conduct a review of existing rules to determine their impact on small businesses, submit reports to Congress on the results of the review, and "shall amend or rescind the rule to minimize any adverse significant economic impact on a substantial number" of small businesses.

Additionally, the Regulatory Accountability Act includes the language of the Require Evaluation before Implementing Executive Wishlists (REVIEW) Act, All Economic Regulations are Transparent (ALERT) Act, and the Providing Accountability Through Transparency Act. Taken together, these sections of the bill allow

more time for legal challenges, promote transparency, and a greater understanding for the American public of what proposed rules will do.

Please contact your representative and ask him or her to vote YES on the Regulatory Accountability Act, H.R. 5. FreedomWorks will count this vote when calculating our Scorecard for 2017. The scorecard is used to determine eligibility for the FreedomFighter Award, which recognizes Members of the House and Senate who consistently vote to support economic freedom and individual liberty.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Brandon', with a stylized flourish at the end.

Adam Brandon
President and CEO, FreedomWorks