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September 23, 2016, 09:15 am

# House's September agenda a red flag for November

By James Goodwin



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The September before a big election is when elected officials in Washington can demonstrate that they have what it takes to lead and are deserving of another term. House conservatives have chosen a curious way to try to demonstrate that: by doubling down on their dangerous crusade against our system of regulatory safeguards.

Among other things, these protections help to ensure the safety of our food and water supply, the hazard-free conditions of our workplaces, and the preservation of cherished natural resources for future generations. By the time this month is over, the House leadership will have held floor votes on at least four anti-regulatory bills, all of which are corporate giveaways that would impose significant costs on the public.

Among the first bills teed up for a vote this month was the Stop Settlement Slush Funds Act. This bill has more to do with propagating a conservative canard about the relationship between environmental advocacy groups and federal agencies than with addressing a real problem. It would forbid federal agencies from requiring corporate polluters to undertake remediation projects as part of their punishment for contaminating our air or water. Agencies have long included these non-controversial projects as part of settlement agreements that resolve pending enforcement actions.

For example, the settlement agreements reached with BP and Transocean in the wake of the massive 2010 Gulf of Mexico oil spill established the Gulf Environmental Benefit Fund, a \$2.5 billion fund administered by the National Fish and Wildlife Foundation (NFWF). Since the establishment of this fund, the NFWF, a nongovernmental organization, has already allocated hundreds of millions of dollars to state agencies in the Gulf states for projects such as river diversions and barrier island restoration.

The House kept the anti-public interest momentum going this month by voting on the Regulatory Integrity Act, a bill that would prohibit agencies like the U.S. Environmental Protection Agency (EPA), the Food and Drug Administration (FDA), and others from engaging with the public on their pending efforts to protect our health, our safety, and our environment. This would inhibit the ability of agencies to inform the American people about these rulemakings and to solicit their feedback on them. By discouraging public participation in the rulemaking process, the Regulatory Integrity Act flies in the face of such bedrock laws as the Administrative Procedure Act, which have long guided

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agency development of new safeguards.

But that's not all. Two other anti-regulatory bills are ready for floor consideration and could receive votes this month: The REVIEW Act and the Midnight Rules Relief Act. The REVIEW Act would upset decades of settled judicial precedent by forcing courts to block implementation of any significant rule that has been challenged until all lawsuits over the rule have been resolved. It would arbitrarily deny Americans the protections afforded by these challenged rules while the often multi-year process of litigation plays out.

The Midnight Rules Relief Act would make it easier for Congress to bundle rules issued during an outgoing president's final months in office and reject them all at once using the expedited procedures of the Congressional Review Act. House conservatives designed this bill as a weapon for wiping out as many of the Obama administration's regulatory accomplishments from these last few months as possible. Many of these safeguards have been under development for years, and all reflect intense study and detailed analysis. Yet, under this bill, they could all be obliterated in a single uninformed and politically motivated vote.

The conditions were ripe for making this one of the most productive Septembers in congressional history – one that the members of Congress and their constituents could truly be proud of. Lawmakers should have been well-rested and recharged, thanks to the longest summer recess in recent memory. And they faced a huge to-do list of basic governance and crisis response that cried out for robust legislative solutions: funding the government; authorizing new water development projects; the continued fallout from lead poisoning in Flint, Mich., and other places; the spread of the Zika virus in Florida; historic flooding in Louisiana, Texas, Maryland, and West Virginia; the opioid abuse epidemic; and spiraling gun violence.

Some of these crucial issues will be addressed poorly; others will continue to be ignored. All this because of an ideological vendetta against the safeguards that protect our well-being. American voters have every reason to be disappointed.

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