

REGULATIONS:**Groups trying to strip Democratic support from rule-curbing bills****John McArdle, E&E reporter**

With a pair of sweeping regulatory overhaul measures expected on the House floor next week, the usually slow Thanksgiving recess has turned into a frantic lobbying week for public-interest groups warning that passage of either measure could set the rulemaking process back 100 years.

The Coalition for Sensible Safeguards -- a group of 70 labor, environmental and consumer organizations -- is visiting congressional offices this week, while the Natural Resources Defense Council and others are waving red flags in the media about the "Regulations from the Executive in Need of Scrutiny Act," or "REINS Act," and the "Regulatory Accountability Act," or RAA.

But the bills' opponents admit that winning the votes expected to be called by House Republicans next week is not the goal.

With 203 Republicans and one Democrat signed onto the measure as of this week, the REINS Act is just a few votes shy of passing just on its co-sponsors. The bill, [H.R. 10](#), would require congressional approval of all regulations estimated to cost the economy \$100 million or more.

The RAA has significantly fewer co-sponsors, at 36, but six of those members are Democrats, and the measure is also expected to pass. That legislation, [H.R. 3010](#), would codify the cost-benefit analysis now required of the federal government through executive order. Agencies would have to choose the least costly option or explain why they chose otherwise. Their analysis would also be subject to judicial review.

"We're not expecting a miracle in the way of massive defections from Republicans," said Amit Narang, a regulatory policy advocate at Public Citizen and the leader of Capitol Hill visits for the coalition. "A victory for us is a party-line vote where few if any Democrats are on REINS, and the same goes for the RAA."

Sapping Democratic support for the bills would help keep the two measures from garnering much momentum when they head to the Senate, Narang said, which would likely seal their fate in the Democratically controlled upper chamber.

The REINS Act has just a single Senate Democratic co-sponsor in Sen. Joe Manchin of West Virginia, while the RAA counts Sen. Mark Pryor of Arkansas as a sponsor.

Twice already this month, Republicans have tried and failed to move the REINS Act as attachments to other bills that have come up on the Senate floor ([E&ENews PM](#), Nov. 10).

The targets of the coalition's lobbying campaign this week are conservative Blue Dog Democrats, Narang said, such as the half-dozen who have signed onto the RAA.

Narang pointed out that the RAA lost one Blue Dog supporter last week when Rep. Joe Baca of California withdrew his support.

GOP says bills will boost economy

Republicans have sought to sell both the REINS Act and the RAA as pro-growth measures that are necessary in a tough economic time. The measures have won the support of a number of industry associations that have decried the burdens of federal regulatory red tape.

Rep. Geoff Davis (R-Ky.) took to the House floor before Congress left town last week to tout the REINS Act as "a simple process to restore transparency and congressional accountability of what the executive branch does."

Davis said in a statement this week that he hopes the measure is not seen in a partisan light when it comes to the floor.

"It is not pro-regulation, it is not anti-regulation -- it is pro-accountability," he said. "This debate is about who should be responsible to the American people for laws that have a major impact on our economy. Whether Democrat or Republican, liberal or conservative, we should all be able to agree that Congress should be accountable to the people for the laws of the land in keeping with the intent of our founders."

But David Goldston, the government affairs director for the Natural Resources Defense Council, said in a press briefing yesterday that the question of whether politicians in Congress or experts at federal agencies are better at crafting the rules to implement legislation was settled during the New Deal.

"This is unlearning the past," Goldston said. "It's basically going backward literally to an era when we tried things and they were unarguably failures."

He said that to insert a political element at the end of the rulemaking process would allow members to use procedural tactics to possibly undermine laws that Congress has already passed. Such a change would open the rulemaking process up to an unprecedented lobbying effort, he said, where those groups and associations that have the most clout could influence members to only pass rules that benefit their interests.

Goldston's colleague, Scott Slesinger, who serves as director of legislative affairs for NRDC, said the RAA is more subtle, but equally destructive. Slesinger said that the provision of the RAA that would require agencies to conduct a complete study of any suggested alterations to rules is meant to hobble the regulatory agencies by burying them under a mountain of paperwork.

"Any lawyer on K Street or first-year law student could tie up a rule for 20 years," Slesinger said. "This bill requires impossible analysis which, because it can't get completed, the rules can't be done."