

The Honorable John Thune
Majority Leader
U.S. Senate
Washington, DC 20510

The Honorable Chuck Schumer
Minority Leader
U.S. Senate
Washington, DC 20510

The Honorable Rand Paul
Chairman
Homeland Security and Governmental
Affairs Committee
U.S. Senate
Washington, DC 20510

The Honorable Gary Peters
Ranking Member
Homeland Security and Governmental
Affairs Committee
U.S. Senate
Washington, DC 20510

June 20, 2025

Dear Majority Leader Thune, Minority Leader Schumer, Chairman Paul, and Ranking Member Peters:

The undersigned allied organizations strongly oppose the inclusion in the reconciliation bill of any provisions designed to attack regulations that protect the American public. By definition, such provisions either have no budgetary effect or they only produce budgetary effects that are “merely incidental,” and thus cannot be legitimately included in a reconciliation bill under existing Senate rules. The Senate HSGAC title of the reconciliation bill includes deeply problematic language imposing a regulatory moratorium, as well as a provision proposing to give blanket congressional approval to White House plans to reorganize and dismantle government agencies.

The proposed moratorium, which also includes language similar to the destructive Regulations from the Executive in Need of Scrutiny (REINS) Act, violates the Byrd rule because its goal is to curb the promulgation of all major rules, and would be a radical and extreme anti-regulatory change to the rulemaking process, policy effects that dwarf the budgetary effects of the provision, if there even are any. Specifically, it would result in a complete moratorium for new regulations that protect the public until 2034, if those regulations result in a budgetary impact of more than \$100 million dollars annually, and unless a statute has “explicitly directed the proposed rulemaking and the associated effect on Federal outlays or revenues, indicating a specific amount.”

The full scope of this regulatory moratorium is not immediately clear, but we believe that it would effectively prohibit most, if not all, new rulemaking. The provision does not define what would constitute a “non-negligible budgetary effect” that triggers the initial White House Office of Information and Regulatory Affairs (OIRA) review process. Similarly, we are uncertain if any regulation would be able to be issued under the extreme and prescriptive new rulemaking standard required by this section. The discretion it confers, leaves open the possibility for a future administration hostile to regulatory safeguards to define this concept expansively to encompass a broad range of rules, including those that provide essential protections for consumers, workers, the environment, the public’s health and safety, children, and much more. To illustrate, this provision could prevent new food safety protections if there is a budgetary

impact regarding food safety inspectors. Or it could block new lead in drinking water protections due to potential budgetary impact of replacing lead pipes. Also, in creating this review process, this provision would confer new broad authority to OIRA over independent agencies that did not previously exist.

Finally, this provision limits Congress' future discretion to enact laws, its constitutional role outlined in Article One, and instead turns that power over to the President. This provision would allow a President and their Administration to wholesale block the implementation of laws that Congress enacts by giving the executive the final decision on whether Congress has "explicitly directed" a rulemaking and the associated effect on Federal outlays or revenues, indicating a specific amount. This means, for example, that the President might refuse to issue regulations clearly mandated under landmark laws such as the Clean Water Act or the Occupational Safety and Health Act, by claiming that those laws did not specify a specific budgetary impact.

The Executive Reorganization Plans provision also poses an unacceptable danger to the effective functioning of agencies charged with protecting the public interest. It is imperative that Congress conduct robust and aggressive oversight in response to the damage caused by DOGE actions and the Trump Administration Executive Orders to radically overhaul and weaken essential regulatory programs. This provision of the Senate HSGAC Reconciliation bill would make things worse by giving the Administration a "rubber stamp" to continue its dismantling of government agencies, mass firings of federal workers, and rollbacks of vital regulatory protections.

Compared to previous legislative efforts to provide Presidents with authority to put forth government reorganization plans, this provision is far more extensive and extreme. It creates a pathway for the President to eliminate entire government agencies, including independent agencies, gut essential government programs and services that the public relies upon, fire federal civil servants at will, and roll back regulations at the behest of corporate special interests. None of this will improve government nor make it more effective as has been the intent of all previous congressional grants of authority to Presidents regarding government reorganization plans.

This section, too, radically reduces the Constitutional lawmaking power of Congress to create the structure and practices of the executive branch, by handing it over to the President.

For these reasons, we strongly urge you to oppose the inclusion of the regulatory moratorium language and anything similar to it or similar to the REINS Act, the Executive Reorganization Plans provision, and all other anti-regulatory language with policy goals from the budget reconciliation bill.

Sincerely,

Accountable.US/Accountable.NOW

AFL-CIO

American Economic Liberties Project

American Federation of State, County, and Municipal Employees (AFSCME)

American Sustainable Business Council

Americans For Financial Reform

Center for Digital Democracy
Center for Economic Justice
Center for Justice & Democracy
Center for Progressive Reform
Coalition for Sensible Safeguards
Consumer Action
Consumer Federation of America
Delaware Community Reinvestment Action Council
Earthjustice Action
Economic Policy Institute
EDF Action
Electronic Privacy Information Center (EPIC)
Endangered Species Coalition
Government Information Watch
Greenpeace USA
Impact Fund
Interfaith Center on Corporate Responsibility
League of Conservation Voters
National Association of Consumer Advocates
National Consumers League
National Employment Law Project
National Health Law Program
Natural Resources Defense Council
Oceana
Oregon Consumer Justice
People Power United
Physicians for Social Responsibility
Public Citizen
Public Knowledge
Rise Economy
Union of Concerned Scientists
United Steelworkers (USW)

CC: Senator Merkley
Senator Graham