

July 12, 2007

The Honorable Robert C. Byrd
Chairman
Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable Thad Cochran
Ranking Member
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Chairman Byrd and Ranking Member Cochran:

The undersigned organizations strongly urge you to oppose including any language to the “Financial Services and General Government Appropriations Act, 2008” that would bar funding for Executive Order 13422.

President Bush signed Executive Order 13422 on January 18, 2007, in an effort to increase the quality, accountability, and transparency of the federal government. Specifically, Executive Order 13422 expanded the scope of Executive Order 12866—the regulatory planning and review order issued by President Clinton—to subject not just agency rules to OMB review, but also, for the first time, significant guidance documents.

Executive Order 13422 essentially closed a legal loophole that had allowed federal agencies to circumvent regulatory review and planning requirements by issuing guidance documents with binding language in lieu of a proposed rule requiring public notice and comment. By statute and court opinion, guidance documents have no legally-binding effect; they are merely an agency’s interpretation of how the public can comply with a particular rule or regulation. Yet federal agencies routinely issue guidance documents in a manner that is legally binding since it is far easier than undergoing the analytical rigors of a rulemaking. Executive Order 13422 corrects this abuse by federal agencies by ensuring that such significant guidance documents are subjected to public notice and comment.

In addition, Executive Order 13422 requires that an agency: (1) state why a rule is needed; (2) give an accurate accounting of costs and benefits of an individual rule and the aggregate costs and benefits of all rules issued by the agency that year; and (3) create a Regulatory Policy Officer within each agency to ensure that the executive order is implemented by the agency. Far from being “radical,” these requirements are merely an attempt to instill principles of accountability and transparency into the regulatory process.

The House passed its version of the legislation, H.R. 2829, with an amendment by Rep. Brad Miller barring funding for Executive Order 13422 that would ensure that this order on good government is no longer implemented.

The undersigned organizations urge you to oppose any such language to the Senate bill, which would only serve to undermine serious efforts to improve the federal government’s regulatory process.

AEROSPACE INDUSTRIES ASSOCIATION
AMERICAN ARCHITECTURAL MANUFACTURERS ASSOCIATION
AMERICAN BAKERS ASSOCIATION
AMERICAN CHEMISTRY COUNCIL
AMERICAN COMPOSITES MANUFACTURERS ASSOCIATION
AMERICAN COUNCIL ON EDUCATION
AMERICAN FARM BUREAU FEDERATION
AMERICAN FOREST AND PAPER ASSOCIATION
AMERICAN FOUNDRY SOCIETY
AMERICAN GAS ASSOCIATION
ASSOCIATION OF EQUIPMENT MANUFACTURERS
ASSOCIATION OF GENERAL CONTRACTORS
A & D POLICY ANALYSIS
BUSINESS ROUNDTABLE
CHEMICAL PRODUCERS AND DISTRIBUTORS ASSOCIATION
COUNCIL FOR CITIZENS AGAINST GOVERNMENT WASTE
EDISON ELECTRIC INSTITUTE
FIRE AND EMERGENCY MANUFACTURERS AND SERVICES ASSOCIATION
FOOD MARKETING INSTITUTE
FOOD PROCESSING SUPPLIERS ASSOCIATION
GROCERY MANUFACTURERS/FOOD PRODUCTS ASSOCIATION
INDEPENDENT LUBRICANT MANUFACTURERS
INDUSTRIAL MINERALS ASSOCIATION – NORTH AMERICA
INTERLOCKING CONCRETE PAVEMENT INSTITUTE
INTERNATIONAL DAIRY FOODS ASSOCIATION
INTERNATIONAL HOUSEWARES ASSOCIATION
INTERNATIONAL SIGN ASSOCIATION
INTERNATIONAL SLEEP PRODUCTS ASSOCIATION
IPC – THE ASSOCIATION CONNECTING ELECTRONICS INDUSTRIES
KITCHEN CABINET MANUFACTURERS ASSOCIATION
METALS SERVICE CENTER INSTITUTE
NATIONAL ASSOCIATION OF HOME BUILDERS
NATIONAL ASSOCIATION OF MANUFACTURERS
NATIONAL ASSOCIATION OF WHEAT GROWERS
NATIONAL ASSOCIATION OF WHOLESALER-DISTRIBUTORS
NATIONAL CATTLEMEN'S BEEF ASSOCIATION
NATIONAL FEDERATION OF INDEPEPNDENT BUSINESSES
NATIONAL GLASS ASSOCIATION
NATIONAL MILK PRODUCERS FEDERATION
NATIONAL MINING ASSOCIATION
NATIONAL OILSEED PROCESSORS ASSOCIATION
NATIONAL PAINT AND COATINGS ASSOCIATION
NATIONAL PORK PRODUCERS COUNCIL
NATIONAL RESTAURANT ASSOCIATION
NATIONAL SHOOTING SPORTS FOUNDATION

NATIONAL WOODEN PALLET AND CONTAINER ASSOCIATION
NON FERROUS FOUNDERS' SOCIETY
NPES – THE ASSOCIATION FOR SUPPLIERS OF PRINTING, PUBLISHING AND
CONVERTING TECHNOLOGIES
OUTDOOR POWER EQUIPMENT INSTITUTE
PORTLAND CEMENT ASSOCIATION
PRESSURE SENSITIVE TAPE COUNCIL
SALT INSTITUTE
SMALL BUSINESS & ENTREPRENEURSHIP COUNCIL
SOCIETY OF THE PLASTICS INDUSTRIES
SPECIALTY EQUIPMENT MARKET ASSOCIATION
SPORTING ARMS AND AMMUNITION MANUFACTURERS INSTITUTE, INC.
SYNTHETIC ORGANIC CHEMICAL MANUFACTURERS ASSOCIATION
TEXTILE RENTAL SERVICES ASSOCIATION
THE CARPET AND RUG INSTITUTE
THE REAL ESTATE ROUNDTABLE
THE REFRACTORIES INSTITUTE
U.S. CHAMBER OF COMMERCE
WASTE EQUIPMENT TECHNOLOGY ASSOCIATION
WOOD MILLING AND MILLWORK PRODUCERS ASSOCIATION

Cc: Members of the Committee on Appropriations