



May 7, 2020

The Honorable Chip Roy
1319 Longworth House Office Building
Washington D.C. 20515

Dear Representative Roy:

On behalf of National Taxpayers Union (NTU), the nation's oldest taxpayer advocacy organization, I write to thank you for introducing H.R. 6691, the Coronavirus Regulatory Repeal Act.¹ This commonsense legislation would put the onus on Congress and on federal agencies to justify the continued existence of unnecessary, outdated, or overly burdensome regulations that have been lifted or relaxed during the COVID-19 pandemic. In so doing, the Coronavirus Regulatory Repeal Act would facilitate deregulation that enables the U.S. economy to recover more quickly and effectively from this unprecedented disruption. It could also improve the nation's response to our next significant public health challenge, whenever that may be.

As you note, federal, state, and local governments "have waived and modified roughly 400 regulations to free up businesses and communities to respond in real time to the coronavirus pandemic. If these regulations weren't needed during a time of crisis, it raises the question why they were needed in the first place."² As long-time advocates of a deregulatory agenda at federal agencies and a "light touch" approach to regulatory enforcement, NTU agrees.

The COVID-19 pandemic has required federal agencies to deregulate at warp speed. Among the positive developments are new flexibilities for Medicare and Medicaid providers to deliver telehealth services, lower barriers to emergency use authorization (EUA) at the Food and Drug Administration (FDA), and blanket Section 1135 waivers from the Centers for Medicare and Medicaid Services (CMS) that allow states and providers to better serve their constituents at a time of crisis.³

Some of these barriers are best if temporary. For example, we were pleased to see the Treasury Department delay tax payment and tax filing requirements from April 15 to July 15. We believe further delays are necessary, but acknowledge that Treasury cannot delay those deadlines forever.⁴

¹ Congress.gov. (Introduced May 1, 2020). "H.R.6691 - To establish Federal Regulatory Review Commissions, and for other purposes." Retrieved from: <https://www.congress.gov/bill/116th-congress/house-bill/6691?s=1&r=5> (Accessed May 5, 2020.)

² Congressman Chip Roy. (May 4, 2020). "Rep. Chip Roy On H.R. 6691, The Coronavirus Regulatory Repeal Act." Retrieved from: <https://roy.house.gov/media/press-releases/rep-chip-roy-hr-6691-coronavirus-regulatory-repeal-act> (Accessed May 5, 2020.)

³ Lautz, Andrew. "During coronavirus, how to lead on healthcare regulatory flexibility." *Washington Examiner*, March 19, 2020. Retrieved from: <https://www.washingtonexaminer.com/opinion/during-coronavirus-how-to-lead-on-healthcare-regulatory-flexibility> (Accessed May 5, 2020.)

⁴ Kaeding, Nicole, and Moylan, Andrew. "More Tax Delays Are Necessary." National Taxpayers Union Foundation, April 29, 2020. Retrieved from: <https://www.ntu.org/foundation/detail/more-tax-delays-are-necessary> (Accessed May 5, 2020.)

However, some deregulatory actions should be here to stay. Take the examples above. NTU has long advocated for telehealth expansion, FDA reform, and more flexibility in how states administer their Medicaid programs, and to us it makes little sense to snap burdensome regulations back into place as the nation is emerging from a national public health and economic emergency.

This is where the Coronavirus Regulatory Repeal Act would help. By establishing joint Federal Regulatory Review Commissions consisting of legislative and executive branch officials, and assuming a waived or modified regulation will be repealed or modified after the emergency period unless Congress passes a law confirming a Commission recommendation to keep the regulation, your bill would place the onus on Congress to *save* outdated regulations rather than assuming those regulations would remain in place. This flips long-standing deference to the regulatory state on its head, and would represent a welcome change in regulatory activity from Washington.

Thank you for introducing the Coronavirus Regulatory Repeal Act, and we stand ready to assist you in ensuring that it reaches the President's desk.

Sincerely,

Andrew Lautz
Policy and Government Affairs Manager