

# AFL-CIO

## LEGISLATIVE ALERT

December 4, 2024

Dear Representative,

On behalf of the AFL-CIO, I urge you to oppose H.R. 7198, the Prove It Act of 2024. This bill gives big trade associations a new way to thwart pro-worker rulemakings.

Under a slew of existing laws, the rulemaking process generally requires notice, public comments, studies, and cost-benefit analyses. It already takes into special account the effects any proposed rule might have on small businesses and other small entities. Under the existing Regulatory Flexibility Act, an agency must either certify that a proposed rule will not have a significant economic impact on a substantial number of small entities or conduct both an initial and a final regulatory flexibility analysis, along with periodic reviews of its impact on an ongoing basis. In other words, the law is already very rigorous and comprehensive in minimizing impacts of rulemakings on small businesses.

But after a life-saving workplace safety rule clears all these existing hurdles, after all the public comment, the studies, the expert analyses, the reviews, and so on, H.R. 7198 would invest in one person—the chief counsel of a Small Business Administration (SBA) office—the authority to roll back the rule whenever trade associations representing giant corporations file a petition challenging an agency’s certification that a regulatory flexibility analysis was not required. Teams of experts make these determinations at the agency over the course of months or years, but one lawyer at SBA would have unreviewable discretion to make this determination and must do so in 30 days. Their judgment will override anyone else’s and would result in a life-saving, inexpensive rule being rendered inapplicable to small entities. The bill also requires agencies to conduct more periodic and redundant reviews of rules, a new resource-consuming process intended to give the same single individual at SBA an opportunity to entirely suspend a rule on a technicality, without regard to the life-threatening consequences for the people the rule protects. And the bill still adds further hurdles to rulemaking.

The point of H.R. 7198 is clear: give big business an easy shot at rolling back or suspending worker protections, along with protections for the public, children, the environment, and so on. It hands big business a veto over a democratic rulemaking process authorized by legislation passed by a democratically elected Congress. It would create yet another example of the system being rigged against working people.

The AFL-CIO urges you to vote no on H.R. 7198. Thank you for your attention.

Sincerely,



Jody Calemine  
Director, Government Affairs