



May 15, 2023

The Honorable Chuck Grassley
United States Senate
Washington, DC 20510

The Honorable Victoria Spartz
U.S. House of Representatives
Washington, DC 20515

Dear Senator Grassley and Representative Spartz:

The U.S. Chamber of Commerce commends you for introducing the “Sunshine for Regulatory Decrees and Settlements Act of 2023.” This legislation would take important steps to stop the abusive practice known as “sue and settle.”

Organizations sue federal agencies seeking to compel these agencies to take specific actions, such as issuing new regulations. Behind closed doors, these organizations and agencies then enter into consent decrees or settlement agreements compelling the agencies to issue rules. The public and those directly affected by the regulations are not given notice of the lawsuits, nor do they have a meaningful voice in the process.

The federal rulemaking process is governed by principles of open government and public participation. Through the practice of “sue and settle,” good government principles are being circumvented to achieve the policy objectives of special interests. By requiring that federal agencies provide notice of lawsuits, and ensuring that there is a reasonable opportunity for parties to intervene and provide public comments, the interests of the public can be protected.

The “Sunshine for Regulatory Decrees and Settlements Act of 2023” would take these common-sense steps. It recognizes that the public and regulated parties should not be excluded from participating in our regulatory system because of this “sue and settle” tactic.

The Chamber looks forward to working with you on this important legislation and enacting reforms that protect the integrity of the rulemaking process.

Sincerely,

Neil L. Bradley
Executive Vice President, Chief Policy Officer,
and Head of Strategic Advocacy
U.S. Chamber of Commerce