



Conservatives
for
Property Rights

For Immediate Release
October 9, 2019

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Statement on Executive Orders Reining in Abuse of Regulatory Guidance

(Washington, D.C.) — The following statement regarding President Trump’s October 9 executive orders curbing federal agencies’ ability to use regulatory guidance in lieu of the legal requirements of the Administrative Procedure Act, may be attributed to James Edwards, Executive Director, Conservatives for Property Rights:

““Property rights conservatives applaud and thank President Trump for today’s executive orders reining in the use and abuse of ‘guidance’ as a substitute for due process in rulemaking. Without procedural protections, it’s far too easy for unelected bureaucrats and ideological zealots to encroach on private property rights through de facto regulatory takings.

“These EOs mark some of the most important process-oriented acts by a White House that’s done more to deregulate and restore Administrative Procedure Act protections than most previous administrations of the era of the Administrative State.

“Starting with Executive Orders 13771 and 13777, the Trump administration has worked to reverse the utter disregard for regulatory and procedural due process the Obama administration practiced and turned into a sordid art form. Especially egregious has been making substantive policy changes by guidance, blog posts, FAQs, slide decks, and the like. Agency guidance has its place, but it’s not end-running the APA and other due process protections so critical to property rights.”

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