

March 14, 2017

Dear Senator:

On behalf of the undersigned organizations and our millions of members and supporters, we strongly urge you to oppose S. 34, the so-called Midnight Rules Relief Act of 2017. This bill is designed to make it easier to repeal public safeguards put in place by the Obama Administration. It would amend the Congressional Review Act (CRA) to enable Congress to repeal many regulations at once by packaging them in a single resolution that would get expedited consideration and require only a majority of votes for passage in the Senate.

The bill would allow Congress to eviscerate crucial public health, environmental, safety, consumer and financial safeguards without due consideration. Using a process that will avoid public scrutiny, its goal is not to address last minute regulations. Rather, it is to dismantle reasonable and effective public protections for the benefit of narrow special interests.

S. 34 is based on several faulty premises, starting with its name. First, the bill applies to any action an Administration has taken during its *entire last year* in office. The bill is not actually targeting any last-minute actions. In reality, it seeks to deny the President the authority he was elected to use for an entire year, reducing his term to three years – just as the Senate did by blocking consideration of Merrick Garland for the Supreme Court.

Second, even regulations issued in the last months of a term are not last-minute exercises, but the culmination of years of work and public process. Often, they did not become final until late in the President's time in office because of review or discussion of comments submitted by industry. An extensive body of statutes already ensures the avoidance of hasty rulemaking and requires transparency and public participation. These laws include the Administrative Procedure Act, the Regulatory Flexibility Act, the Unfunded Mandates Reform Act, and the Paperwork Reduction Act. These laws, along with longstanding executive orders, require that agency actions meet a very high threshold of due diligence and complex analysis. In fact, those regulations issued late in an Administration are often those that have received the *most* preparation and analysis.

The term “midnight regulation” is simply an effort to cast a stigma on public protections from the past year that have gone through a process that is no

different from that of any other safeguard.

Moreover, the bill is simply an effort to actually reduce – not enhance – scrutiny of rules. The CRA has many problems, but at least it requires regulations to be considered individually. This is important given the CRA’s expedited procedures, its inflexibility – rules can only be repealed in their entirety, not altered – and its potential implications: passage of a CRA resolution of disapproval prevents an agency from doing something “substantially the same” ever again.

This bill would throw such caution to the winds. An unlimited number of disparate regulations could be packaged together, making it difficult, if not impossible, to focus on any specific regulation and luring Congress to vote against many regulations if they want to repeal any single measure in the package. This is the very type of “omnibus” legislating that conservatives and the Republican leadership often decry.

Midnight Rules Relief Act is the opposite of a “good government reform” bill. It would make it easier to repeal protections the public supports by making it harder for Congress to consider – and easier for Congress to hide – the impacts of its actions. We urge you to oppose the Midnight Rules Relief Act and reject the false premise behind it.

Sincerely,

Alaska Wilderness League

American Association of University Women

Asian Pacific Policy & Planning Council

Bend the Arc Jewish Action

Biodiversity for a Livable Climate

BlueGreen Alliance

Bold Alliance

Cahaba River Society

Center for Biological Diversity

Charles River Watershed Association

Clean Air Task Force

Clean Water Action
Climate Hawks Vote
Communications Workers of America
Conservatives for Responsible Stewardship
Connecticut League of Conservation Voters
Defenders of Wildlife
Earth Action, Inc.
Earthjustice
Earthworks
Elders Climate Action
Endangered Habitats League
Environment America
Environmental Advocates of New York
Friends of Alewife Reservation
Friends of the Earth
Gasp
Geos Institute
Green For All
GreenLatinos
Greenpeace USA
Illinois Council of Trout Unlimited
Institute for Agriculture and Trade Policy
Interfaith Power & Light
International Union, United Automobile, Aerospace & Agricultural Implement
Workers of America, UAW
Iowa Interfaith Power & Light
League of Conservation Voters
League of Women Voters of the United States
Long Island Pine Barrens Society

Lowell Parks & Conservation Trust, Inc.
Main Street Alliance
Michigan League of Conservation Voters
Milwaukee Riverkeeper
Montana Conservation Voters
Montana Environmental Information Center
National Council of Jewish Women
National Health Law Program, Inc.
Natural Resources Defense Council
NETWORK Lobby for Catholic Social Justice
Nevada Conservation League
NextGen Climate
Nor'East Chapter of Trout Unlimited (MA)
Ocean Conservancy
Oceana
Physicians for Social Responsibility
Physicians for Social Responsibility, Philadelphia
Population Connection Action Fund
Prairie Rivers Network
Rachel Carson Council
Safe Climate Campaign
San Juan Citizens Alliance
Save The River Upper St. Lawrence Riverkeeper
Sierra Club
Southern Environmental Law Center
Southern Oregon Climate Action Now
Students for a Just and Stable Future
The Praxis Project
The Vet Voice Foundation

The Wilderness Society

Virginia League of Conservation Voters

Voces Verdes

Voices for Progress

Western Organization of Resource Councils

Women's Voices. Women Vote Action Fund

Yukon River Inter-Tribal Watershed Council