January 4, 2017

RE: Floor vote of the Midnight Rules Relief Act of 2017

Dear Representative:

The National Association of Consumer Advocates (NACA), a nonprofit association of private and public sector attorneys, legal services attorneys, law professors, and law students actively engaged in promoting a fair and open marketplace that forcefully protects the rights of consumers, particularly those of modest means, strongly urges you to oppose the so-called Midnight Rules Relief Act of 2017 (MRRA).

The MRRA is a sweeping bill that would amend the Congressional Review Act to allow disapproval en banc of multiple regulations finalized near the end of presidential terms. It ultimately would wipe out numerous consumer protection-related rules and other public safeguards. The legislation is based on a flawed assumption that regulations which are proposed or finalized during the so-called “midnight” rulemaking period are rushed and inadequately vetted. However, the opposite is true. Rulemaking at agencies can face real problems of excessive and systemic delay.

There is simply no persuasive empirical evidence supporting claims that regulations finalized near the end of presidential terms were rushed or were not a diligent effort to comply with mandated rulemaking procedures. Instead, opponents make baseless claims based on when a regulation was finalized, ignoring the comprehensive and painstaking rulemaking process pursuant to federal laws.

Further, MRRA would, in effect, require that members of Congress have adequate expertise on multiple rules targeted by a single en banc resolution – a near impossible feat. It would also risk political horse trading on rules, a treacherous approach to policymaking that undermines the meticulous work of regulatory agencies to protect the American public.

Therefore, we urge you to reject H.R. 21, the “Midnight Rules Relief Act.”

Sincerely,

Christine Hines
Legislative Director
National Association of Consumer Advocates