



January 3, 2017

U.S. House of Representatives
Washington, D.C. 20515

Dear Representative:

Consumer Reports and its policy and mobilization arm, Consumers Union, strongly urge you to **vote no** on H.R. 21, the so-called “Midnight Rules Relief Act.” This bill would severely undermine accountability to the public regarding important protections and safeguards.

Although the rules targeted by this legislation were finalized relatively recently, many have been under development for several years. Consumers Union has provided public comment on several of these regulations that were designed to protect consumers against unsafe products, dishonest business dealings, and other hazards in the marketplace that place their health, safety, or well-being at risk. Agency experts carefully examined these hazards and considered various alternative approaches to address them. They sought input and guidance from businesses, consumer organizations, outside scientific and legal experts, and the public at large, and ultimately developed final rules, explaining publicly the basis and rationale for the adopted approach.

The federal law known as the Congressional Review Act (CRA) already permits a regulation carefully developed over many years to be erased by Congress, in a rushed process that does not reflect the same level of expertise or careful consideration. Congress could even rescind a rule for reasons that might be based not on any broader interests of the public, but on the narrower, private special interests of those seeking to avoid having appropriate obligations imposed on their profit-making activities.

The potential for the CRA to be employed in the service of special interests is at least somewhat held in check by the fact that the law currently requires separate congressional action for erasing each regulation. A regulation considered for erasure under the CRA must be brought to the House and Senate in its own separate resolution, given its own debate and vote, and sent to the President for its own signature or veto. All officials involved in considering whether to erase the regulation and its protections are thus put on record, and can be held accountable for their positions and the consequences. Perhaps for this reason, there has only been one regulation rescinded under the CRA in its 20-year history.

This important accountability check would be removed under the “Midnight Rules Relief Act.” By allowing erasure of multiple regulations en bloc, this bill would enable Members of


Congress and the President to evade public accountability for what could be ill-considered, politically motivated decisions that result in devastating consequences. Under the bill, no Member would ever have to be on record regarding any specific regulation being erased. In fact, any Member who actually wants to cast a more selective vote, to erase certain regulations but not others, would be unable to do so.

We are somewhat encouraged that the House Majority, after initially acting behind closed doors to weaken the Office of Congressional Ethics, has reversed course in light of major concerns raised about the impact on congressional accountability. We urge all Members to also recognize the damaging effects that this bill would have on accountability and on the ability of the American public to trust their elected representatives. We strongly urge you to **vote no** on the “Midnight Rules Relief Act.”

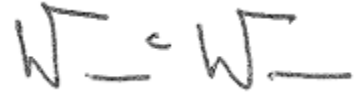
Sincerely,



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