



**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503**

November 14, 2016
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

H.R. 5982 – Midnight Rules Relief Act of 2016

(Rep. Issa, R-CA, and eight cosponsors)

The Administration is committed to ensuring that regulations are smart and effective, that they are tailored to advance statutory goals in the most cost-effective and efficient manner, and that they minimize uncertainty. When a Federal agency promulgates a regulation, the agency must adhere to the robust and well-understood procedural requirements of Federal law, including the Administrative Procedure Act, the Regulatory Flexibility Act, the Unfunded Mandates Reform Act, the Paperwork Reduction Act, and the Congressional Review Act, in a manner that ensures that the rulemaking process is transparent and considers the input of stakeholders. In addition, for decades, agency rulemaking has been governed by Executive Orders issued and followed by administrations of both political parties. These require regulatory agencies to promulgate regulations, consistent with their statutes, upon a reasoned determination that the benefits justify the costs, to consider regulatory alternatives, and to promote regulatory flexibility.

The Administration continues to be guided by the same rigorous practices and principles used to develop and review regulations that have been upheld throughout the entirety of this Administration and previous Administrations. On December 17, 2015, the Administrator of the Office of Information and Regulatory Affairs reiterated that the Administration would maintain its normal review standards, and instructed agencies to plan and prioritize its regulations in order to ensure an orderly review process during the final year of the Administration. For these reasons, H.R. 5982 is intended to solve a problem that does not exist.

Lastly, the Congressional Review Act (CRA) already allows for the Congress to disapprove of rules on a case-by-case basis. Thus, providing for an arbitrary packaging of rules for an up-or-down vote, as this bill does, is unnecessary. In addition, the bill would expand the scope of rules subject to the CRA such that by the time a vote on a resolution occurs, some of the rules may have been in effect for over a year. By doing so, H.R. 5982 would create tremendous regulatory uncertainty, potentially impose additional costs on businesses, and represent a step backwards for applying sound regulatory principles to protect public health, safety, the environment, and other critical aspects of society.

If the President were presented with H.R. 5982, his senior advisors would recommend he veto the bill.

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