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# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

December 13, 2016

The Honorable Sally Jewell  
Secretary  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Secretary Jewell,

As Chairmen of the Homeland Security and Governmental Affairs Committee and its Subcommittee on Regulatory Affairs and Federal Management, we write to ask for your cooperation as the Committee oversees the agency rulemaking process to ensure the best regulatory outcomes for the American people. Given the results of this year's election, it is critical that federal agencies cease work on pending rules and allow the incoming administration the opportunity to affirm, alter or dismiss pending regulatory matters.

The U.S. energy sector has great potential to create jobs, and reduce energy prices for consumers while, at the same time, improving our country's energy security outlook. Unfortunately, this Administration's energy regulations have caused the energy sector to underperform this potential for job growth and economic output. The election clearly demonstrated that Americans want the U.S. to create more jobs and to thrive as a leading energy producer.

We ask that in the concluding days of this Administration, the Department of Interior abstain from finalizing pending rules or regulations currently in process. Many of these pending rules – such as the Bureau of Ocean Energy Management's *Air Quality Control, Reporting, and Compliance Rule*<sup>1</sup> and the Office of Surface Mining Reclamation and Enforcement's *Stream Protection Rule*<sup>2</sup> – could have detrimental long-term effects not just on the energy sector, but also on the economy as a whole.

We similarly request that the Department refrain from any additional “midnight” regulations, including those which would withdraw land from leasing areas of the Outer Continental Shelf<sup>3</sup> or designate national historic landmarks.<sup>4</sup> Rather than pushing through

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<sup>1</sup> Air Quality Control, Reporting, and Compliance Rule, 81 Fed. Reg. 65 (proposed Apr. 5, 2016) (to be codified at 30 C.F.R. § 550).

<sup>2</sup> Stream Protection Rule, 80 Fed. Reg. 143 (proposed July 27, 2015) (to be codified at 30 C.F.R. §700, *et al.*).

<sup>3</sup> See Outer Continental Shelf Lands Act (OCSLA) of 1953 (42 U.S.C. § 1331 *et seq.*) (requiring the Dept. of the Interior to prepare a 5-year schedule of Federal offshore oil and gas leasing on the U.S. Outer Continental Shelf); see also 30 C.F.R. §§ 550-52, 556 (empowering the Bureau of Ocean Energy Mgmt. to maintain responsible development of offshore energy).

The Honorable Sally Jewell  
December 13, 2016  
Page 2

additional “midnight” rules, we ask that you listen to the American people and stop the Department’s hasty work on these broad-reaching efforts.

If you have any questions, please contact the Homeland Security and Governmental Affairs Committee at (202) 224-4751.

Sincerely,



Ron Johnson  
Chairman  
Committee on Homeland Security  
and Governmental Affairs



James Lankford  
Chairman  
Subcommittee on Regulatory Affairs  
and Federal Management

Cc: The Honorable Tom Carper  
Ranking Minority Member  
Committee on Homeland Security and Governmental Affairs

The Honorable Heidi Heitkamp  
Ranking Minority Member  
Homeland Security and Governmental Affairs  
Subcommittee on Regulatory Affairs and Federal Management

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<sup>4</sup> See 36 C.F.R. § 65 (setting forth the criteria the Nat’l Park Service must abide by in selecting Nat’l Historic Landmarks for designation).