

MATTHEW H. MEAD
GOVERNOR



2323 Carey Avenue
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Office of the Governor

February 2, 2017

Honorable Michael B. Enzi
379A Senate Russell Office Building
Washington, D.C. 20510

Honorable Elizabeth Cheney
416 Cannon House Office Building
Washington, D.C. 20515

Honorable John Barrasso, M.D.
307 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Congressional Review Act

Dear Senators Enzi and Barrasso and Representative Cheney,

I was asked early on to support the repeal of the Bureau of Land Management's (BLM) planning rule 2.0 and provided a letter to that effect on January 20, 2017. Now that the final list of rules subject to the Congressional Review Act (CRA) are known I am providing a more comprehensive list of the rules I feel should be repealed using the CRA. These rules harm Wyoming and, in many instances, are redundant of State regulations that accomplish similar goals, but with less red tape and at a lower cost.

I understand each of you co-sponsored a joint resolution disapproving of the Office of Surface Mining, Reclamation and Enforcement's (OSMRE) stream protection rule, which was approved by Congress today. Wyoming has opposed OSMRE's stream protection rule because OSMRE did not adequately involve the State and because the rule does not take into account the unique geography of the west. The significant problems the rule would impose on Wyoming caused me to ask the Wyoming Attorney General to challenge the rule in federal court. I support your use of the Congressional Review Act to disapprove the rule and appreciate your vote.

Additionally, I understand that Representative Cheney proposed House Joint Resolution 44 for disapproval of the BLM's planning 2.0 rule; co-sponsored House Joint Resolution 36 for disapproval of the BLM's methane rule; and co-sponsored House Joint Resolution 40 for disapproval of the Social Security Administration's rule on reporting to the National Instant Background Check System (NICS). On the Senate side, I understand that Senators Enzi and Barrasso co-sponsored Senate Joint Resolution 15 for disapproval of the BLM's planning 2.0

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rule; co-sponsored Senate Joint Resolution 11 for disapproval of the BLM's methane rule; and co-sponsored Senate Joint Resolution 14 for disapproval of the Social Security Administration's rule on reporting to the NCIS. I support the use of the CRA to repeal these rules.

Additionally, I would like to see joint resolutions of disapproval for the following rules:

- The Office of Natural Resources Revenue's oil, gas and coal valuation rule, 81 Fed. Reg. 43338 (July 1, 2017);
- The Federal Highway Administration's national performance measures - assessing the performance of the National Highway System, freight movement on the Interstate system, and congestion mitigation and air quality improvement program rule, 82 Fed. Reg. 5970 (Jan. 18, 2017);
- The Federal Highway Administration's asset management plans and periodic evaluations of facilities repeatedly requiring repair and reconstruction due to emergency events rule, 81 Fed. Reg. 73196 (Oct. 24, 2016); and
- The Centers for Medicare and Medicaid Services's Medicaid and Children's Health Insurance Programs: Eligibility Notices, Fair Hearing and Appeal Processes for Medicaid and Other Provisions Related to Eligibility and Enrollment for Medicaid and CHIP rule, 81 Fed. Reg. 86382 (Nov. 30, 2016).

Impacted state agencies and I commented on each of these rules, expressing concerns with the direction the previous administration was going and offering solutions for improving these rules. Those comments were largely ignored, to the detriment of the rulemaking process. Like the OSMRE's stream protection rule, the BLM's venting and flaring rule was so problematic to Wyoming that I asked the Wyoming Attorney General to challenge it in federal court.

I appreciate your consideration of repealing these rules using the CRA process. Should you need further information on the impact these regulations are having on Wyoming, my staff and the staff of the impacted state agencies are available to assist. You may contact Mike McGrady at 307-777-2083 or mike.mcgradyl@wyo.gov with any questions. He can also help you get in touch with the relevant subject matter experts in Wyoming state government.

Sincerely,

Matthew H. Mead
Governor



MHM:ts

cc: Senator Mitch McConnell
Speaker Paul Ryan