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H.R. 10 REINS Act Fact Sheet

The REINS Act, H.R. 10, would require congressional approval of all major regulations issued by federal agencies before those regulations could go into effect. This legislation would cripple the ability of agencies to protect the public, give even more work and responsibility to an overwhelmed Congress, radically reinterpret bedrock principles of our democracy, and allow politics to be substituted for science.

The REINS Act is redundant and needlessly time-consuming.

Agencies already undergo rigorous reviews of their proposed rules and solicit comments from the public, business interests, and other agencies. In addition, many rules are promulgated in response to congressional directive, such as the regulations required by recent product safety, health care, and financial services laws. And under the Congressional Review Act, Congress already has the authority to review and nullify a rule by passing a resolution of disapproval. The REINS Act would force Congress to refight its previous debates, wasting time and money and paralyzing the agencies and Congress itself.

The REINS Act endangers the public.

Requiring congressional approval of agency rules would delay vital public protections, such as those limiting the amount of lead in children's products, preventing salmonella contamination in eggs, and increasing the safety of job sites where cranes or derricks are operated. These rules were promulgated to reduce injuries, illnesses, and fatalities caused by unsafe products or behavior. Allowing them to be held up or stopped by Congress would endanger the public.

The REINS Act threatens the separation of powers.

Congress already participates in the rulemaking process by writing and passing federal law that provides the blueprint for agency actions. Any agency error or misinterpretation is subject to judicial review. The REINS Act attempts to dramatically alter the separation of powers by allowing Congress to veto executive actions. Previous attempts to create a legislative veto have been overturned for violating the separation of powers. Although the REINS Act possibly skirts this issue by requiring the president's signature before a rule is overturned, this legislation does not comply with the spirit of the checks and balances system laid out in the Constitution.

The REINS Act corrupts and politicizes the regulatory process.

Federal agencies employ personnel with policy, scientific, and technical expertise. The regulations that an agency promulgates are the product of that expertise. Allowing Congress to have the final say on regulations would make the regulatory process far more political, allowing lobbyists, special interest groups, and campaign contributions to shape a rule.

The REINS Act attempts to solve a problem that doesn't exist.

Although businesses and trade groups complain about the costs and effects of regulations, the reality is that regulations are one of the best investments government can make. The Office of Management and Budget (OMB) submits an annual report to Congress detailing the costs and benefits of major regulations for the previous decade. The most recent report, tallying the costs of regulations issued from October 1, 1999 to September 30, 2009, found that the costs of major regulations ranged from \$43 billion to \$55 billion. The benefits of those same regulations ranged from \$128 billion to \$616 billion. And the benefits are likely even larger once one factors in difficult-to-quantify benefits like improved air quality, healthier children, reduced discrimination, and so on. In terms of economic growth, regulations have not been holding corporations back. Despite a weakened economy caused by deregulation, corporations are posting record profits: an annual rate of \$1.659 trillion for the third quarter of 2010. Clearly, the regulatory policies of the Obama administration are not impeding corporate profits.

The REINS Act is unnecessary.

The regulatory process already allows ample opportunities for input, including the opportunity for Congress to vote to nullify a rule. Requiring Congress to affirmatively pass each rule before it can go into effect would taint the regulatory process with improper political considerations, endanger the public by delaying crucial safeguards, and would usurp powers reserved to the executive and judicial branches to implement and interpret the law. The REINS Act is a deeply flawed bill that would handicap the federal agencies and add a considerable workload to a legislative body which already struggles with time constraints. Congress should be searching for ways to make federal agencies run more smoothly, not throwing up roadblocks to the regulatory process.

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