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July 28, 2015

RE: Oppose H.R. 427, Regulations from the Executive in Need of Scrutiny (REINS) Act

Public Citizen strongly urges members of the House of Representatives to oppose the REINS Act (H.R. 427). The REINS Act is among the most radical threats to our government's ability to protect the public from harm in generations. The bill will delay or shut down the implementation of critical new public health and safety protections, thereby making big business and industry even less accountable to the public.

Enactment of the REINS Act would effectively end rulemaking, given existing legislative gridlock and political polarization. REINS would require both houses of Congress to approve a major rule, with no alterations, within a 70 day window. If both chambers are unable to approve a major rule, it will not take effect and is tabled until the next Congressional session. The impact on all major rules, including the large number of non-controversial rules agencies produce every year, will be dramatic. Currently, it takes years for a federal agency to produce necessary public safeguards to address obvious safety gaps that have endangered and harmed the public. To take just one of many examples, it took 5 years after the massive BP oil disaster in the Gulf of Mexico for the Department of Interior to produce a *proposed* rule regulating blowout preventers despite this being one of the main causes of the explosion and ensuing oil spill at the Deepwater Horizon oil rig. It is unacceptable for our government to take five years to develop *final* safety standards to protect the public from another environmental disaster on the scale of the BP Oil Spill, and yet it has taken that long just to produce a *proposed* safety standard. Sadly, this story of regulatory delay is the norm, rather than the exception. REINS would do nothing to speed up this process. Instead, it would grind the outrageously slow regulatory process to a halt, blocking both desperately needed regulatory protections and interfering with the adoption of other common-sense, non-controversial rules, such as updated hunting schedules.

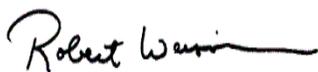
In fact, Congress already has the first and last word when it comes to agency rulemaking, making the REINS Act needless and redundant. Under the current decades-old framework, agencies can only exercise their authority if first delegated by Congress in authorizing legislation. Any agency attempt to overstep these bounds will result in judicial scrutiny and risk reversal of the agency action. And under the Congressional Review Act, Congress already has the authority to review and nullify a rule by passing a resolution of disapproval. Requiring both chambers of Congress to approve major regulations means, in real terms, that one chamber will have virtual and unilateral veto power over any major regulation the majority of that chamber opposes.

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 would potentially require dozens of

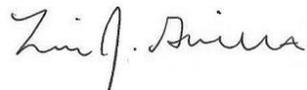
additional votes in both chambers of Congress every year. None of these votes would involve new legislation that benefits our country or resolves current and pressing public policy issues. Instead, these numerous new votes would all focus on regulations that implement legislation already passed by Congress and enacted into law. For example, during the calendar year 2014, federal agencies finalized 80 major rules. During that same period, the House of Representatives was in session for 135 legislative days. This means if enacted, the REINS act would have resulted in 80 additional votes in the House during 2014, or a minimum of one every two days. Given that recent Congresses have not been noted for their speedy resolution of complicated issues, it is highly implausible to expect that Congress will be able to meet this significant additional workload. The result will be many vital new major rules that are blocked by unavoidable Congressional inaction.

Simply put, the REINS Act is not a proposal to improve or streamline the regulatory system. Instead, it would drastically undermine our country's precious system of public safeguards. Allowing Congress to have the final say on regulations under the REINS Act approval mechanism would make the regulatory process far more political, allowing lobbyists, special interest groups, and campaign contributions to impact the rulemaking process.

Congress should be searching for ways to address regulatory inertia and paralysis by ensuring federal agencies efficiently and effectively enforce the laws designed to protect our workplaces, food safety, air and water quality, financial security and much more, not throwing up roadblocks to sensible safeguards that protect the American public. Public Citizen strongly opposes the REINS Act (H.R. 427) and urges House members to vote against it.



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