



OPPOSE THE RADICAL “REINS” ACT, WHICH WOULD EFFECTIVELY SHUT DOWN THE ENTIRE U.S. REGULATORY SYSTEM

The Regulations from the Executive in Need of Scrutiny (“REINS”) Act is a radical measure that could **make it impossible to ever protect the public through future regulations**. The measure would affect *every* area of regulation, not just environmental policy. The bill would literally reshape the regulatory system to work as it did in the 19th Century, before the abuses of the robber barons led Congress to create a modern system to protect health and safety. *The bill would effectively amend, in one fell swoop, every bedrock existing regulatory statute*. The bill also may be unconstitutional. It is difficult to exaggerate how fundamentally this would change American government and how hard it would make it to protect the public. It is the definition of over-reach. **The REINS Act is the ultimate giveaway to special interests.**

WHAT WOULD THE REINS ACT DO?

The REINS Act would require both houses of Congress to approve any major rule within a limited period of time in order for it to take effect. Effectively, this would allow either house of Congress to block rules simply through inaction even when an existing statute required action. The bill would disempower every federal agency, effectively making their rulemaking activities mere recommendations to the Congress to act. It would neuter the current system’s reliance on science, expertise and public process in developing rules. Under REINS, even rules to handle emergencies could be in effect for only 90 days absent Congressional approval.

The bill is clearly designed to stop all regulation dead in its tracks – no matter what the threat to health, safety or the economy. The bill is so firmly slanted against regulation that it allows lawsuits to proceed against any regulation Congress could actually manage to approve. And the latest version of the bill delays its effective date for a year so that any Trump Administration efforts to repeal existing regulations would not get caught up in the REINS Act trap – another indication that the REINS Act would be expected to stop any regulatory action from moving forward. (Repealing regulations must be done through regulation, so repeals would trigger REINS.)

The REINS Act represents an overwhelming threat to the public, but it would also be bad for business. It would require businesses to have to lobby Congress for each and every significant regulatory change they wanted – no matter whether those were new regulations, changes in regulation or repeal; no matter whether the regulatory issues involved disputes between different industries; no matter how technical the issues involved. The REINS Act would make the

regulatory system less predictable for industry and would disadvantage any industry that did not have a large political presence.

CONGRESS DOES NOT NEED THIS EXTREME MEASURE

The REINS Act is the ultimate overreach, not only because of the impact it would have, but because Congress already has ample tools to control the regulatory system. Regulation is permitted only pursuant to statutes that Congress has passed and can amend or repeal. Congress can vote to block a specific regulation at any time. In addition, courts can review regulations and an elaborate public process that can stretch out for years must be followed to issue a regulation. *The REINS Act is an effort by the right wing to shut down the entire regulatory system because it cannot win through time-honored, Constitutional legislative processes since the public supports efforts to protect food safety, air and water quality and to limit the manipulation of our economic system by special interests.* The REINS Act is tantamount to a coup – a right-wing takeover to block future agency actions regardless of public desires.

IMPACTS

Under REINS, any special interest could simply use its political clout in one chamber of Congress to sideline such vital public protections as limiting the amount of lead in children's products, preventing salmonella contamination in eggs, reducing emissions of toxic air pollutants or banning predatory banking practices.

Under current law, agencies must keep a record of their interactions with industry and other entities interested in the regulatory process and provide a clear record of their decision-making (which often must be able to hold up in court). Agencies often take years to review the scientific and technical evidence relevant to a decision. Throwing every final decision to Congress would undermine this entire process.

Congress would have to make relatively rapid decisions, often behind closed doors, and it would not be legally held to any standard of technical review. Industry would no longer have an incentive to cooperate with agencies and provide arguments and evidence because they could just take their chances with the political process, which they would no doubt try to influence with campaign contributions. Ultimately, decisions on regulations would be determined solely by political horse-trading among Members of Congress.

Agencies issue 50 to 100 major rules a year, dealing with everything from Medicare reimbursement to railroad safety to environmental protection. Under the REINS Act, Congress would have 70 legislative days to second-guess each and every decision covered by the Act. Because failure to take action would kill any safeguard, Congress would be forced to hold hearings in a short time on technical issues—or worse, forgo hearings and race the 70-day clock with even less information and debate. Congress is unable to handle its current docket, and REINS would require that as many as 100 additional measures come to the floor.

You can read more of NRDC's analysis of the REINS Act

here: <https://www.nrdc.org/experts/david-goldston/reins-act-why-congress-should-hold-its-horses>

For more information, please contact: Scott Slesinger – sslesinger@nrdc.org – 202-289-6868