



The REINS Act shows, again, just how f’ing crazy the House GOP is

By [David Roberts](#)

When I first started writing at Grist, in 2004 and 2005, the Bush administration was in charge and Republicans had majorities in both houses of Congress. Every day — and I mean, really, [almost every single day](#) — brought some new outrage, some bit of mendacity or corruption or plutocratic greed or just terrible policy.

I realized quickly that there’s no way for a healthy human being to maintain the level of outrage warranted by the situation. When offenses to decency follow one after another after another after another, it’s difficult to pay attention to each one, much less work up righteous umbrage anew each morning. It’s mentally and physically exhausting.

I was convinced at the time, and remain convinced, that this was a deliberate strategy on the part of conservatives: flood the zone and overwhelm the ability of the press, public, and political opposition to react. When you have power, use it to help your friends and secure future power; do not hesitate; do not ask permission.

Obama, whatever you think of his strategies or policies, has led a remarkably scandal-free presidency. That’s why, when something like the IRS ([non-](#))scandal comes along, everyone jumps on it and it stays in the news for weeks. It’s a singular event, a marker, a symbol around which we arrange our perceptions and arguments. Under Bush, the IRS thing would simply have blurred into a parade of far worse transgressions. It’s no accident that “cocaine-fueled sex romp” is a mere fourth on our list of [Bush Era WTFs](#). You just couldn’t keep up. It was numbing and profoundly disempowering — which, again, was the point.

I’ve been thinking about this ever since Republicans won the House of Representatives and an [historic number of state legislatures](#) in 2010, which they promptly used to [gerrymander](#) themselves a [decade-long death grip](#) on the House. The minute they took charge, they started doing insane things. Lots of these things became news — threats to [tank the American economy](#), forty-eleven [votes to repeal Obamacare](#), [stripping food stamps out](#) of the farm subsidy bill — but many, perhaps most, did not, because crazy bills that passed the House were doomed in the Senate. “House passes crazy bill in futile gesture” is a story political journalists tire of writing.

I’m guilty too. I can’t write about it every time the House passes some bill that would slash EPA funding by half or open up the Grand Canyon to fracking or outlaw climate science or, y’know, repeal Obamacare again. Those bills die in the Senate. And I have my mental health to worry about.

But I also worry that your average American does not understand how extreme the House GOP has become, not only substantively but in terms of respect for democratic procedure. And I worry that the media’s inability to cover the insanity consistently, or call it what it is, is contributing to their ignorance.

Let's look at one example.

Last Friday, the House [passed](#) the Regulations from the Executive in Need of Scrutiny (REINS) Act on a largely party-line vote of 232-183. I wrote about REINS as part of [this piece](#), so I'm just going to quote myself:

[REINS] would require that every “economically significant” federal regulation (one that has an annual impact of \$100 million or more) be affirmatively approved by Congress. Again: no rule would go into effect until it has been voted through by both houses of Congress and signed by the president. If a regulation is not voted on within seventy legislative working days of being sent to Congress, it is “tabled.” That is, it dies.

It's difficult to overstate how radical a change this would represent for U.S. government. It would subject fifty to a hundred regulations a year to the partisanship, rancor, and gridlock of Congress. Every rule would be a new opportunity for lobbying and industry influence. Worse, legal observers say the bill does not clearly prohibit a filibuster in the Senate, raising the possibility that a determined minority of forty senators could effectively shut down federal rule making. REINS would not overturn the Clean Air Act or shutter the EPA, but it would end forward momentum in environmental law, freezing it in place.

I don't know what to do here but pile on more superlatives. Imagine today's Senate Republicans, who have taken procedural abuse to the absurd point that [filibusters are the rule](#) rather than the exception, having the ability to completely prevent the executive branch from enforcing laws *Congress itself passed*. In a [letter opposing REINS](#) [PDF], the Coalition for Sensible Safeguards echoes this point: “Under the current decades-old framework, agencies can only exercise authority that has been first delegated by Congress in authorizing legislation.” Congress gave agencies power to write rules to enforce laws; REINS would retroactively change all those laws, for no purpose other than to give a determined congressional minority an opportunity for [nullification](#) (or at least a bastard cousin thereof).

It fundamentally changes the balance of power between two of the branches of U.S. government. It cripples the executive state's ability to function. It's arguably unconstitutional. Mostly, it is just insane.

And it was only the capper on a week of insanity. Just the previous day, the House passed the Energy Consumers Relief Act, which would permit the head of the Department of Energy to block any EPA regulation deemed harmful to the economy.

And just for kicks, amendments were attached to both bills explicitly preventing EPA from incorporating the [social cost of carbon](#) in its rulemaking.

That's right, the House GOP attempted to *legally prohibit the government from acknowledging climate change*. And that was just an amendment, a side dish in the loony buffet.

It is, from any reasonable legal, moral, or procedural perspective, seriously f'd up behavior. Yet you will seek in vain for much media coverage of it. And when you do find coverage, it provides absolutely no sense of context. Look, to take a random example, at [this short piece](#) in *National Journal*. Here's the argument it presents:

Republicans made the argument that the bill frees businesses from an out-of-control bureaucracy that's stifling the economy. “If you're pro-jobs, pro-growth, and antipoverty, you should support [the Energy Consumers Relief Act],” Cassidy said. The bill's consequences, Democrats shot back, will render EPA toothless to fight pollution as the nation's energy demands change rapidly.

He-said she-said. We'll have to [leave it there](#).

But wait! There is absolutely no empirical evidence that EPA is “stifling the economy.” None. Most of the rules Obama’s EPA is responsible for haven’t even gone into effect yet. And in every case, analysis shows that benefits wildly [outweigh](#) costs. (More [here](#) and [here](#).) Republicans just made that “job-killing regulations” stuff up. It’s a lie they keep repeating and reporters keep writing it down.

Meanwhile, the bill really *would* fundamentally reshape the way the federal government works in such a way as to make regulation, when possible at all, weak, slow, and corrupt. It would radically and deliberately degrade government’s ability to act in response to pollution, corruption, or financial crisis. Will anyone reading the *National Journal* understand just how sweeping and extreme the bill is?

Republicans are relentlessly pushing the [Overton window](#), making radicalism seem like a normal and respectable position on the political spectrum. Young political reporters with no sense of history and limited policy chops just write it down and accept it as the way things are. Before you know it, “let’s cripple the regulatory state” is just something one side says while the other side says the opposite. Centrists conclude that the proper compromise is to half-cripple the state. Ho hum.

But it is not a good thing for [one of the two](#) political parties in the world’s most powerful nation to become, in the [words](#) of congressional scholars Thomas Mann and Norman Ornstein, “a resurgent outlier: ideologically extreme; contemptuous of the inherited social and economic policy regime; scornful of compromise; un-persuaded by conventional understanding of facts, evidence, and science; and dismissive of the legitimacy of its political opposition.”

As long as Dems keep the Senate and the presidency, it’s mostly a sideshow, crippling Obama’s ability to accomplish anything but not actively changing things for the worse. But that won’t last forever. There’s a [decent chance](#) Dems could lose this Senate next year. And while the Republican presidential field is full of clowns and asshats (again), [anything can happen](#).

Sooner or later, Republicans will be back in power. When that happens, these kinds of absurdly, almost comically hackish bills will become the law of the land. I wish average, nonpolitical folks — the very folks who will never read a post like this — had a better sense of the stakes.