



Fact Sheet | June 12, 2023

Oppose the REINS Act

The Regulations from the Executive in Need of Scrutiny Act of 2023 (REINS Act, H.R. 277) would require congressional approval of all major regulations – those that deliver the biggest public protections – before they could go into effect. This bill represents one of the most radical threats in generations to our government’s ability to protect the public from harm.

The REINS Act would shut down the implementation of critical new public health and safety safeguards, environmental and worker protections, and financial reforms, thereby making industry even less accountable to the public. It would only benefit those special interests that wish to game the system and evade safety standards and would do nothing to improve protections for the American public.

The REINS Act endangers the public.

The REINS Act would require both houses of Congress to approve a major rule, with no alterations, within a 70-day window. Given how challenging it already is to pass public interest protections in Congress, the REINS Act would stop all major rules – defined as those that have an economic impact of \$100 million or more – and delay vital public safeguards, such as those needed now more than ever to prevent deregulatory disasters like the recent train derailments and massive bank failures. 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 and is senseless.

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. After all, Congress has empowered agencies to do their job to protect the public, which highlights the redundancy of this dangerous bill.

The REINS Act would threaten the separation of powers.

Congress already participates in the rulemaking process by writing and passing federal laws that provide 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 effectively allowing only one chamber of Congress to veto executive actions. By giving one chamber of Congress veto power over any new significant public health and safety protection, no matter how non-controversial or sensible it may be, the REINS Act is designed to leverage the dysfunction and obstructionism that plague our political process to block agencies' efforts to fulfill their statutory mandates to pursue public protections. Previous attempts to create a legislative veto have been overturned by the U.S. Supreme Court as unconstitutional for violating the separation of powers.

The REINS Act would corrupt and politicize the regulatory process.

The REINS Act would inappropriately – but deliberately – inject political considerations into a regulatory process that is supposed to be based on objective agency science and expertise. Federal agencies employ personnel with policy, scientific, and technical expertise to produce smart and sensible regulations. Rather than increasing accountability, the REINS Act's novel legislative procedures are more likely to give lobbyists, special interest groups, and those who provide legislators with campaign contributions even more influence in shaping a rule.

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 hinder 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 sidetrack the regulatory process.

Please oppose the REINS Act.

For additional information, contact Rachel Weintraub at rweintraub@sensiblesafeguards.org and visit the Coalition for Sensible Safeguards' page on the REINS Act: <https://sensiblesafeguards.org/issues/reins-act/>.

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