

The “Regulations From the Executive in Need of Scrutiny Act (“REINS Act”) of 2011”

H.R. 10, the REINS Act, would amend the Congressional Review Act (“CRA”) to prohibit a major rule from going into effect unless Congress enacts a joint resolution of approval. This radical departure from the longstanding separation of powers between the Executive and Legislative branches would delay and, in many cases, thwart implementation of statutory mandates and execution of duly enacted laws, increase business uncertainty, undermine much-needed protections of the American public, and create unnecessary confusion. The purpose of this legislation is ostensibly to ensure that significant regulatory initiatives are approved by Congress and, more broadly, to re-assert Congressional control over agency rulemaking. In reality, however, Congress already has numerous ways of shaping agency rulemaking. Meanwhile, the cumulative effect of H.R. 10 would be to substantially undermine agencies’ ability to effectively regulate consumer health and product safety, environmental protection, workplace safety, and financial services industry misconduct, among other critical concerns.

H.R. 10 is problematic because:

- It is based on the faulty premise that the cost of regulations outweigh the benefits, when in fact, the benefits of regulations overwhelmingly outweigh the costs;
- It is based on the faulty premise that regulations “kill” jobs;
- It is wasteful and unnecessary; Congress already has the power to shape rulemaking and even to stop or overturn regulations if necessary;
- The effect of its provisions would be to halt agency rulemaking, thereby threatening public health and safety;
- It will harm businesses and the economy by creating unnecessary delay and uncertainty;
- It violates separation of powers by effectively permitting a one-House legislative veto;
- It would risk putting members of Congress in the position of voting on technically complex rules and regulations, currently promulgated by subject area experts, without the benefit of expertise or even debate

For the aforementioned reasons, the REINS Act is opposed by constitutional law professors across the country, and a wide coalition of more than 70 labor, consumer, and environmental organizations, including:

- AFL-CIO
- AFSCME
- International Brotherhood of Teamsters
- Natural Resources Defense Council
- OMB Watch
- People for the American Way
- Public Citizen
- Service Employees International Union (SEIU)
- Union of Concerned Scientists,
- United Food and Commercial Workers International Union
- U.S. PIRG