



BOSTON HEADQUARTERS
7 Winthrop Square, Boston, MA 02110-1245
Phone: 617-542-8010 • Fax: 617-542-8028

WASHINGTON OFFICE
1001 Connecticut Avenue NW, Suite 510, Washington, DC 20036
Phone: 202-452-6252 • Fax: 202-463-9462

www.nclc.org

January 3, 2017

RE: Oppose H.R. 26, the Regulations from the Executive in Need of Scrutiny Act (REINS Act)

Dear Representative:

The National Consumer Law Center® (NCLC®), on behalf of its low income clients, strongly opposes H.R. 26, the Regulations from the Executive in Need of Scrutiny Act (REINS Act). Since 1969, the nonprofit NCLC has worked for consumer justice and economic security for low-income and other disadvantaged people, including older adults, in the U.S. through its expertise in policy analysis and advocacy, publications, litigation, expert witness services, and training.

The REINS Act is a radical threat to the government's ability to protect the public from harm in areas ranging from financial services to health to safety. The bill would spread congressional paralysis to federal agencies, allowing politics, partisanship, inaction and arbitrary and capricious opinions to trump scientific expertise and careful rulemaking, even on noncontroversial bipartisan matters. The bill 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 would not take effect and would be tabled until the next congressional session. In other words, *by doing nothing*, Congress would prevent existing laws from being effectively implemented. It would stop all major rules, including the large number of non-controversial rules agencies produce every year, from going through.

Currently, it takes years for a federal agency to produce the rules necessary to implement and enforce public safeguards and protections. The Administrative Procedures Act and other legislation require agencies to carefully consider facts, evidence, costs, benefits, and viewpoints from a wide range of the public before implementing a rule. These procedures take time and effort but they create transparency, prevent arbitrary and capricious actions, and give the public input.

For example, the recently implemented EPA standards on greenhouse gas emissions and fuel economy for light vehicles took years of development – despite being supported by both environmental groups and the auto industry – before federal regulators finally got a rule on the books. REINS would allow congressional inaction to block such common-sense, non-controversial rules.

Congress already has the first and last word when it comes to agency rulemaking, making the REINS Act needless and redundant. Agencies can only exercise authority that has been delegated by Congress in authorizing legislation. Any agency attempt to overstep these bounds is likely to result in judicial scrutiny and 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. The REINS Act would force Congress to refight its previous debates, wasting time and money and paralyzing agencies and Congress itself.

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. Allowing Congress to have the final say on regulations would give lobbyists, special interest groups, and those who provide legislators with campaign contributions even more influence in shaping a rule.

Simply put, the REINS Act would make the dysfunction and obstructionism that plague our political process even worse 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.

Congress should be searching for ways to ensure that federal agencies enforce laws designed to protect our food supply, water, air quality, financial security and much more, not throwing up roadblocks to sensible safeguards that protect the American people. For these reasons, we strongly urge you to oppose the REINS Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Lauren Saunders", with a long horizontal flourish extending to the right.

Lauren Saunders,
Associate Director