



Written by [Raven Clabough](#) on December 8, 2011

House Passes REINS Act to Rein In Federal Regulations

Sponsored by Rep. Geoff Davis (R-Ky.), the REINS Act passed in the House of Representatives by a 241 to 184 vote, with four Democrats joining Republicans to vote in favor of the legislation. Most believe the bill will not likely be taken up in the Senate, controlled by the Democrats, and even if it were to somehow be addressed and approved in the Senate, it would more than likely be vetoed by President Obama.



The *Washington Post* provides some background on the legislation:

Under the 1996 Congressional Review Act, Congress already has the power to override proposed regulations by passing a joint “resolution of disapproval.” But such a resolution faces the hurdle of having to be signed into law by the president, who would likely veto any move to do away with a regulation proposed by his or her own administration. The president’s veto can be overridden by Congress, but that, of course, takes a two-thirds vote in both chambers.

Congress has only successfully wielded its power under the Congressional Review Act once before, in 2001, when it voted to do away with a Department of Labor ergonomics regulation.

The REINS Act would be an improvement as it subjects all major regulations to congressional approval. If a majority of both the House and the Senate does not approve of the regulation, it cannot be put into effect.

Davis argued in favor of his bill on Wednesday, asserting it “has the potential to transform the way Washington does business, to restore us to economic dominance, and to make this an American century.”

“It’s very simple,” he said. “When a rule is scored as a major rule — \$100 million or more in cumulative economic impact — instead of it being forced on the American people at the end of the 60-day comment period, it comes back up to Capitol Hill under joint resolution for a stand-alone vote in the House, a stand-alone vote in the Senate, and then must be signed by the president before it can be enforced on the American people.”

Similarly, Rep. Jeb Hensarling (R-Texas) called the bill a “common sense” piece of legislation. “It forces accountability,” he said. “It simply weighs the benefits of a regulation to be balanced with the cost to



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our own jobs. Jobs ought to be number one in this House, and the number one jobs bill we can pass is the REINS Act.”

Democrats, on the other hand, view the bill as a measure that would negatively impact the regulatory process and eliminate so-called necessary regulations. “I continue to be disappointed that House Republicans are wasting Congress’s time on ideologically-driven bills to erode federal protections for consumers and communities instead of working on a plan to create jobs,” House Minority Whip Steny Hoyer (D-Md.) [said in a statement](#). “The REINS Act would undermine our ability to protect children from harmful toys, prevent asthma and lung ailments resulting from pollution, and ensure that our small businesses can compete fairly in the marketplace,” he added. “At the same time, it would force Congress to play a larger role in the regulatory process, leading to even more gridlock in Washington.”

The White House has already threatened to veto the measure if it were somehow passed by both chambers, arguing the measure is “a radical departure from the longstanding separation of powers [which 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.”

In actuality, the “radical departure from the longstanding separation of powers” between the legislative and executive branches is the executive-branch practice of legislating via executive decree, in contravention of Article I, Section 1, clause one of the U.S. Constitution, which states: “*All legislative Powers* herein granted shall be vested in a Congress of the United States.” (Emphasis added.) Hoyer may not want Congress to “play a larger role” via the REINS Act, but when it comes to exercising legislative powers, the role played by the President is naked usurpation that the Act is intended to rein in. Mandatory “rules” issued by the executive branch may not be called “legislation,” but those rules have the effect of laws and what they are called does not change the principle involved.



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