

ANTI-REGULATORY POLITICIZING OF AGENCY DECISIONS

Passed: 53-47

SUMMARY:

The Senate passed an amendment that offered support for an anti-regulatory effort to require all significant agency actions that protect the environment to be affirmatively approved by both houses of Congress, subjecting scientific agency decisions to politicization. (*February 21, 2025, Roll Call No. 85*).

BACKGROUND:

The REINS Act, or “Regulations from the Executive in Need of Scrutiny Act,” is legislation that would require both houses of Congress to pass and the President to sign any “major rule” from an executive agency before it can take effect. The REINS Act is an effort to subject objective decisions made by agency experts to protect the environment, workers, consumers, and public health, to the political whims of Congress. These decisions, which include wildlife protections to prevent the extinction of threatened and endangered species, should be driven by experts and science.

Congress already provides authority to agencies to promulgate rules and regulations when they first pass legislation, and binding the hands of agencies in this manner violates the tenets of the separation of powers. Further, by setting the default that rules will not go into effect without an affirmative vote from both Houses of Congress, this legislation would doom countless rules that would not be able to navigate the obstacles posed by a gridlocked and partisan Congress.

Senator Mike Lee (R-Utah) sponsored Amendment 922 to the FY 2025 Senate Budget Resolution that initiated the Senate reconciliation process that was based on the REINS Act. The provision would have harmed wildlife and tied the hands of agency experts trying to protect wildlife from detrimental projects. Countless environmental protections promulgated by agencies would not have been possible if scientists were forced to navigate a complicated and slow political process, as proposed by this legislation. If this language became law, it would have led to less public accountability and allowed industry to ignore the impacts of their actions on wildlife.

OUTCOME:

On February 21, 2025, the Senate passed Amendment 922 to S. Con. Res. 7, 53-47. “No” was the pro-conservation vote. While the Amendment was adopted, the subsequent substantive provision was ultimately ruled out of order by the parliamentarian for procedural reasons.