

TOPLINE: Congress should reclaim its full, rightful constitutional authority to legislate by requiring that major federal rules receive congressional approval.

BACKGROUND: In 1826, the *entire* federal civilian workforce consisted of roughly 10,000 people. Today, the *executive branch alone* is more than 200 times larger, with about 2.2 million civilian employees. The executive branch's ability to impose sweeping regulations has expanded as agencies have absorbed regulatory powers through congressional delegation and expansive interpretations of their statutory authority. Once authority has been delegated (or assumed), such regulatory powers may take on a life of their own. The 1996 Congressional Review Act was enacted to give Congress more oversight of federal regulations, including procedures for major rules (those with an expected annual economic effect of \$100 million or more). Unfortunately, it hasn't proven very effective because blocking a rule requires a joint resolution (JR) of disapproval with either a veto-proof majority in both houses of Congress or the signature of the President (who heads the agency behind the rule).

Action Items (Congress):

- **Enact a law requiring that agencies submit major rules *and* significant guidance documents to Congress** with relevant data and cost-benefit analyses.
 - Require the relevant committees to consider and report JRs on major rules and guidance to the House or Senate floor within a prescribed time limit.
 - If committees fail to report a JR on the rule or guidance, it would be automatically discharged and proceed to the floor.
- **Require that major rules and guidance documents get congressional approval** via a JR before taking effect.
- **Require existing major rules to undergo the same congressional review.**
 - Require agencies to designate at least 10% of existing major rules annually for congressional review until all major agency rules have been reviewed.

How It Would Make Life More Affordable:

- Reining in the regulatory state would reduce costly overhead, especially for small businesses, and allow them to focus on satisfying customers instead of regulators.
- The Competitive Enterprise Institute estimates federal regulatory burdens exceed \$2 trillion annually (\$16,000+ per household), though it is difficult to measure precisely.

Related Legislation: Regulations from the Executive in Need of Scrutiny (REINS) Act (S. 485, H.R. 142).

BOTTOMLINE: Congress must reassert its Article I constitutional authority to legislate and stop unelected and unaccountable bureaucrats from overregulating.