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**AGC of America**  
THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA  
**Quality People. Quality Projects.**



January 4, 2017

The Honorable Paul Ryan  
U.S. House of Representatives  
Washington, D.C. 20515

**RE: Vote “YES” on both the Midnight Rules Relief Act of 2017, H.R. 21 and the Regulations in Need of Scrutiny (REINS) Act of 2017, H.R. 26**

Dear Speaker Ryan:

On behalf of the Associated General Contractors of America (AGC) and its more than 26,000 commercial construction company members, I strongly urge you to vote “YES” on both the Midnight Rules Relief Act of 2017, H.R. 21, and Regulations in Need of Scrutiny (REINS) Act of 2017, H.R. 26. Passage of these bills is critical to reclaiming the constitutional checks of the Congress upon the powers of the Executive Branch.

Over the better part of the last century, Congress has ceded much of its authority to the president and federal agencies. In 1936, the Federal Register—in which rulemakings and executive branch announcements are made—consisted of one volume totaling 2,620 pages. In 2016, the Federal Register encompassed more than 80 volumes totaling 97,110 pages—more than 15,000 pages above the previous record set in 2010.<sup>1</sup> Also in 2016, agencies issued 3,853 regulations, more than a 13 percent increase over 2015, and the highest total since 2005.<sup>2</sup> This exceeds the number of bills Congress passed by a factor of 18.<sup>3</sup> While the Obama administration may have set a new record this year, past outgoing administrations of both parties have previously set such records in their final year in office.

The Midnight Rules Relief Act and the REINS Act will help Congress address the prolific proliferation of rules issued by federal agencies in both Republican and Democratic administrations. As it stands, Congress can only consider one rule at a time for repeal under the Congressional Review Act (CRA). The Midnight Rules Relief Act will amend to CRA to allow Congress to consider multiple rules for repeal at one time. With hundreds of regulatory agencies issuing thousands of rules annually, Congress must have the power to check the Executive Branch with more than a pin prick. H.R. 21 helps in that endeavor.

The REINS Act would also provide other necessary tools for Congress to effectively check the Executive Branch. This bill would require congressional approval of major rules before they can go into effect. Conversely, it would require congressional disapproval of non-major rules. In addition, it would maintain an exception for the president to allow a major rule to take effect—absent congressional determination otherwise—when he or she determines the rule necessary for national security, health and safety, and other reasons. The REINS Act will help temper the continuously growing tsunami of Republican and Democratic administrations’ regulations.

The purpose of these bills is not partisan. Republican and Democratic administrations alike have cumulatively moved the constitutional powers pendulum in favor of the Executive Branch. The Midnight Rules Relief Act and REINS Act will help restore balance to the checks provided to Congress on the Executive Branch under the Constitution. As such, AGC again urges you to for in favor of these bills.

Thank you for your consideration.

Sincerely,

Jeffrey D. Shoaf  
Senior Executive Director, Government Affairs

<sup>1</sup> <https://cei.org/blog/week-ridiculous-regulations-2016-wrap>

<sup>2</sup> <https://cei.org/blog/week-ridiculous-regulations-2016-wrap>

<sup>3</sup> <https://cei.org/blog/2017-unconstitutionality-index-18-federal-rules-every-law-congress-passes>