

[Floor Situation](#) | [Summary](#) | [Background](#) | [Cost](#) | [Staff Contact](#)

[H.R. 1155, Searching for and Cutting Regulations that are Unnecessarily Burdensome \(SCRUB\) Act of 2015](#)

FLOOR SITUATION

On Thursday, January 7, 2016, the House will complete consideration of [H.R. 1155](#), the Searching for and Cutting Regulations that are Unnecessarily Burdensome (SCRUB) Act of 2015, under a [structured rule](#). The bill was introduced on February 27, 2015, by Rep. Jason Smith (R-MO) and was referred to the Committee on Oversight and Government Reform, and in addition, to the Committee on the Judiciary. The Judiciary Committee ordered the bill reported by a vote of 17 to 12 on March 24, 2015.

SUMMARY

H.R. 1155 establishes a Retrospective Regulatory Review Commission to review existing federal regulations to identify and recommend to Congress regulations that should be repealed to reduce unnecessary regulatory costs to the U.S. economy. The bill authorizes \$30 million to fund the Commission and sunsets its authorization the later of five and a half years after the bill's enactment or five years after the terms of all Commission members have commenced. The bill also requires agencies to review new major regulations within 10 years of their issuance in a manner substantially similar to the Commission review process established by the bill.

Regulatory Cut-Go—The bill establishes regulatory cut-go, which requires agencies to repeal a rule, identified by the Commission, with equal to or greater than costs to the economy when issuing a new rule. The bill alternatively permits agencies to repeal rules identified by the Commission prior to promulgating new regulations and to apply the cost savings to new rules promulgated at a later time. The bill also provides for a judicial review process of agency compliance with this provision.

BACKGROUND

Federal rulemaking is a mechanism through which the federal government implements policy, as Federal agencies issue regulations pursuant to statutory authority granted by Congress.¹ According

¹ See CRS Report, "[Counting Regulations: An Overview of Rulemaking, Types of Federal Regulations, and Pages in the Federal Register.](#)" July 14, 2015.

to the Office of Federal Register, there are between 2,500 and 4,500 final rules² published each year.³ According to some estimates, the total Federal regulatory burden has reached at least as high as \$1.86 trillion per year, or approximately \$15,000 per year per U.S. household.⁴ The Congressional Review Act (CRA) enables Congress to nullify any rule issued by a federal agency by enacting a joint resolution of disapproval.

According to the bill sponsor, the bill authorizes an evaluation of the 175,000-plus pages of the Federal Register to identify outdated and ineffective regulations for removal. “This streamlining will lessen regulatory burdens on small businesses and give them the freedom to innovate and grow.”⁵

COST

The Congressional Budget Office [estimates](#) implementing H.R. 1155 would cost \$30 million over the 2016 to 2020 period to operate the commission.

AMENDMENTS

1. Rep. Virginia Foxx (R-NC)—the [amendment](#) adds consideration of unfunded mandates to the Commission's review of rules.
2. Rep. Dave Schweikert (R-AZ)—the [amendment](#) adds a new subsection (I) under 101(h)(2) requiring the commission to consider rules that are limiting or prohibiting government agencies from adopting technology to improve efficiency and effectiveness.
3. Rep. Tim Walberg (R-MI)—the [amendment](#) directs the Commission to highlight the role regulations have on wage stagnation and income inequality by examining the negative impact of regulations on wages, including wages for minimum wage and part-time workers
4. Rep. Hank Johnson (D-GA)—the [amendment](#) strikes title II of the bill, eliminating the legislation's regulatory "cut-go" process, which requires that agencies eliminate rules identified by the Regulatory Retrospective Review Commission prior to issuing a new rule.
5. Rep. Elijah Cummings (D-MD)—the [amendment](#) strikes Title IV of the bill (Judicial Review).
6. Rep. Elijah Cummings (D-MD)—the [amendment](#) exempts independent establishments from the requirements of the bill.
7. Rep. David Cicilline (D-RI)—the [amendment](#) exempts rules made by the Secretary of Veterans Affairs from the additional provisions of the legislation.
8. Rep. Suzan DelBene (D-WA)—the [amendment](#) creates an exemption from regulatory “cut-go” requirements in the case of an emergency.
9. Rep. Sheila Jackson Lee (D-TX)—the [amendment](#) provides that the term “rule” has the meaning given in section 551 of title 5, United States Code, except for a special rule as made

² Rules that are deregulatory in nature and those that repeal existing rules are still defined as "rules" under the Administrative Procedure Act.

³ [Federal Register Pages Published 1936-2014](#)

⁴ See Clyde Wayne Crews, Jr., “[Ten Thousand Commandments 2014, An Annual Snapshot of the Regulatory State, at 2.](#)” April 2014.

⁵ See Rep. Jason Smith Press Release, “[Congressman Jason Smith Reintroduces SCRUB Act to Fight Unnecessary Regulations.](#)” March 2, 2015.

by the Secretary of Homeland Security.

10. Rep. Mark Pocan (D-WI)—the [amendment](#) exempts from the bill rules put forth by the FDA for the purposes of consumer safety.

11. Rep. Patrick Murphy (D-FL)—the SUBSTITUTE [amendment](#) establishes an independent advisory committee to review certain regulations, and for other purposes.

STAFF CONTACT

For questions or further information please contact [John Huston](#) with the House Republican Policy Committee by email or at 6-5539.