

HR 998

SCRUB Act

Congress: 115 (2017–2019, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: Feb 9, 2017

Current Status: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Government

Latest Action: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs. (Mar 2, 2017)

Official Text: <https://www.congress.gov/bill/115th-congress/house-bill/998>

Sponsor

Name: Rep. Smith, Jason [R-MO-8]

Party: Republican • **State:** MO • **Chamber:** House

Cosponsors (3 total)

| Cosponsor | Party / State | Role | Date Joined |
|-------------------------------|---------------|------|--------------|
| Rep. Goodlatte, Bob [R-VA-6] | R · VA | | Feb 9, 2017 |
| Rep. Chaffetz, Jason [R-UT-3] | R · UT | | Feb 13, 2017 |
| Rep. Sessions, Pete [R-TX-32] | R · TX | | Feb 13, 2017 |

Committee Activity

| Committee | Chamber | Activity | Date |
|--|---------|-------------|--------------|
| Homeland Security and Governmental Affairs Committee | Senate | Referred To | Mar 2, 2017 |
| Judiciary Committee | House | Referred to | Feb 9, 2017 |
| Oversight and Government Reform Committee | House | Reported By | Feb 21, 2017 |

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

| Bill | Relationship | Last Action |
|--------------|--------------|---|
| 115 HRES 150 | Related bill | Feb 28, 2017: Motion to reconsider laid on the table Agreed to without objection. |

Searching for and Cutting Regulations that are Unnecessarily Burdensome Act or the SCRUB Act

TITLE I--RETROSPECTIVE REGULATORY REVIEW COMMISSION

(Sec. 101) This bill establishes the Retrospective Regulatory Review Commission to conduct a review of the Code of Federal Regulations to identify rules and sets of rules that collectively implement a regulatory program that should be repealed to lower the cost of regulation. The commission shall give priority to the review of rules or sets of rules that are major rules or that include major rules, that have been in effect more than 15 years, that impose paperwork burdens or unfunded mandates that could be reduced substantially without significantly diminishing regulatory effectiveness, that impose disproportionately high costs on small entities, or that could be strengthened in their effectiveness while reducing regulatory costs. The commission's goal is to achieve a reduction of at least 15% in the cumulative costs of regulation with a minimal reduction in the overall effectiveness of such regulation.

Criteria the commission shall use in identifying which rules and sets of rules should be repealed include whether:

- the original purpose of the rules was achieved;
- the implementation, compliance, administration, enforcement, imposition of unfunded mandates, or other costs of the rules are not justified by a cost-benefit analysis;
- the rules have been rendered unnecessary or obsolete;
- the rules are ineffective at achieving their purposes;
- the rules overlap, duplicate, or conflict with other federal, state, or local rules;
- the rules have excessive compliance costs, impose unfunded mandates, or are otherwise excessively burdensome compared to possible alternatives;
- the rules inhibit innovation or harm competition;
- the rules limit or prevent an agency from applying new or emerging technologies to improve efficiency and effectiveness of government;
- the rules harm wage growth, including wage growth for minimum wage and part-time workers;
- the agency complied with Congressional Review Act requirements to submit the rules to Congress and the Government Accountability Office before the rules take effect; and
- a repeal would impact public health.

The commission shall terminate on the later of five years and 180 days after the enactment of this bill or five years after the date by which the terms of all members of the commission have commenced.

The bill requires congressional consideration and enactment of a joint resolution of approval of recommendations of the commission for the repeal of a rule or rules prior to agency implementation of a repeal. An agency is prohibited from: (1) reissuing rules substantially similar to rules repealed by this bill without congressional approval, or (2) issuing a new rule that results in the same adverse effects of a repealed rule.

The commission shall establish a public website to provide information in a standard data format and shall receive and publish public comments at no cost to the public.

The Federal Advisory Committee Act shall apply to the commission.

TITLE II--REGULATORY CUT-GO

(Sec. 201) This title requires agencies, when making a new rule, to repeal rules or sets of rules classified by the commission as recommended for repeal to offset the costs of the new rule (cut-go procedure).

(Sec. 202) Agencies are exempted from cut-go requirements when the commission has implemented the repeal of all rules and sets of rules that the commission has recommended for repeal.

(Sec. 203) The Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget shall review and certify the accuracy of agency determinations of the cost of new rules subject to cut-go requirements.

TITLE III--RETROSPECTIVE REVIEW OF NEW RULES

(Sec. 301) This title requires an agency, when issuing a new rule, to include a plan for the review of such rule not later than 10 years after the date of such rule.

TITLE IV--JUDICIAL REVIEW

(Sec. 401) This title allows judicial review of repeals of regulations, cut-go procedures, and plans for future review.

TITLE V--MISCELLANEOUS PROVISIONS

(Sec. 501) A "major rule" is defined to mean any rule that OIRA determines is likely to impose: (1) an annual cost on the economy of \$100 million or more, adjusted annually for inflation; (2) a major increase in costs or prices for consumers, individual industries, federal, state, local, or tribal government agencies, or geographic regions; (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises; or (4) significant impacts on multiple sectors of the economy.

Actions Timeline

- **Mar 2, 2017:** Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
- **Mar 1, 2017:** Considered as unfinished business. (consideration: CR H1408-1419)
- **Mar 1, 2017:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Mar 1, 2017:** DEBATE - Pursuant to the provisions of H. Res. 150, the Committee of the Whole proceeded with 10 minutes of debate on the Bonamici amendment No. 8.
- **Mar 1, 2017:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Bonamici amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Ms. Bonamici demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Mar 1, 2017:** DEBATE - Pursuant to the provisions of H. Res. 150, the Committee of the Whole proceeded with 10 minutes of debate on the Bonamici amendment No. 9.
- **Mar 1, 2017:** DEBATE - Pursuant to the provisions of H. Res. 150, the Committee of the Whole proceeded with 10 minutes of debate on the Raskin amendment No. 10.
- **Mar 1, 2017:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Raskin amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Raskin demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Mar 1, 2017:** DEBATE - Pursuant to the provisions of H. Res. 150, the Committee of the Whole proceeded with 10 minutes of debate on the Moore amendment No. 11.
- **Mar 1, 2017:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Moore amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Ms. Moore demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Mar 1, 2017:** DEBATE - Pursuant to the provisions of H. Res. 150, the Committee of the Whole proceeded with 10 minutes of debate on the Cummings amendment No. 12.
- **Mar 1, 2017:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Cummings amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Cummings demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Mar 1, 2017:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question on adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Mar 1, 2017:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 998.
- **Mar 1, 2017:** The previous question was ordered pursuant to the rule.
- **Mar 1, 2017:** The House adopted the amendments en gross as agreed to by the Committee of the Whole House on the state of the Union.
- **Mar 1, 2017:** Mr. Raskin moved to recommit with instructions to the Committee on Oversight and Government Reform. (text: CR 1417)
- **Mar 1, 2017:** Floor summary: DEBATE - The House proceeded with 10 minutes of debate on the Raskin motion to recommit with instructions. The instructions contained in the motion seek to report the same back to the House with an amendment to add an exemption to the underlying bill for any rules pertaining to laws governing potential conflicts of interest of an employee or officer of the executive branch, financial disclosures of an employee or officer of the executive branch, or bribery.
- **Mar 1, 2017:** The previous question on the motion to recommit with instructions was ordered without objection.
- **Mar 1, 2017:** On motion to recommit with instructions Failed by recorded vote: 190 - 235 (Roll no. 113).
- **Mar 1, 2017:** Passed/agreed to in House: On passage Passed by recorded vote: 240 - 185 (Roll no. 114).
- **Mar 1, 2017:** On passage Passed by recorded vote: 240 - 185 (Roll no. 114).
- **Mar 1, 2017:** Motion to reconsider laid on the table Agreed to without objection.
- **Feb 28, 2017:** Considered under the provisions of rule H. Res. 150. (consideration: CR H1370-1385; text as reported in House: CR H1373-1376)
- **Feb 28, 2017:** Provides for consideration of H.R. 998 and H.J.Res. 83.

Feb 28, 2017: House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 150 and Rule XVIII.

- **Feb 28, 2017:** The Speaker designated the Honorable Gary J. Palmer to act as Chairman of the Committee.
- **Feb 28, 2017:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 998.
- **Feb 28, 2017:** DEBATE - Pursuant to the provisions of H.Res. 150, the Committee of the Whole proceeded with 10 minutes of debate on the Cummings amendment No. 1.
- **Feb 28, 2017:** DEBATE - Pursuant to the provisions of H.Res. 150, the Committee of the Whole proceeded with 10 minutes of debate on the DeSaulnier amendment No. 2.
- **Feb 28, 2017:** POSTPONED PROCEEDINGS - At the conclusion of debate on the DeSaulnier amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the ayes had prevailed. Mr. DeSaulnier demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Feb 28, 2017:** DEBATE - Pursuant to the provisions of H.Res. 150, the Committee of the Whole proceeded with 10 minutes of debate on the McSally amendment No. 3.
- **Feb 28, 2017:** DEBATE - Pursuant to the provisions of H. Res. 150, the Committee of the Whole proceeded with 10 minutes of debate on the Plaskett amendment No. 4.
- **Feb 28, 2017:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Plaskett amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the ayes had prevailed. Mr. Ross demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Feb 28, 2017:** DEBATE - Pursuant to the provisions of H. Res. 150, the Committee of the Whole proceeded with 10 minutes of debate on the McNerney amendment No. 5.
- **Feb 28, 2017:** DEBATE - Pursuant to the provisions of H. Res. 150, the Committee of the Whole proceeded with 10 minutes of debate on the Krishnamoorthi amendment No. 6.
- **Feb 28, 2017:** DEBATE - Pursuant to the provisions of H. Res. 150, the Committee of the Whole proceeded with 10 minutes of debate on the Krishnamoorthi amendment No. 7.
- **Feb 28, 2017:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Krishnamoorthi amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Krishnamoorthi demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Feb 28, 2017:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was on amendments to H.R. 998, which had been debated earlier and on which further proceedings were postponed.
- **Feb 28, 2017:** Mr. Sessions moved that the committee rise.
- **Feb 28, 2017:** On motion that the committee rise Agreed to by voice vote.
- **Feb 28, 2017:** Committee of the Whole House on the state of the Union rises leaving H.R. 998 as unfinished business.
- **Feb 27, 2017:** Rules Committee Resolution H. Res. 150 Reported to House. Provides for consideration of H.R. 998 and H.J.Res. 83.
- **Feb 21, 2017:** Reported by the Committee on Oversight and Government Reform. H. Rept. 115-14, Part I.
- **Feb 21, 2017:** Committee on the Judiciary discharged.
- **Feb 21, 2017:** Placed on the Union Calendar, Calendar No. 2.
- **Feb 14, 2017:** Committee Consideration and Mark-up Session Held.
- **Feb 14, 2017:** Ordered to be Reported by the Yeas and Nays: 22 - 17.
- **Feb 9, 2017:** Introduced in House
- **Feb 9, 2017:** Referred to the Subcommittee on Regulatory Reform, Commercial And Antitrust Law.
- **Feb 9, 2017:** Referred to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.