

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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**Opening Statement**  
**Ranking Member Elijah E. Cummings**

**H.R. \_\_\_\_\_, SCRUB Act**

**February 14, 2017**

The SCRUB Act would establish a commission to duplicate work agencies are already supposed to be doing to review regulations—at a cost of \$30 million.

The bill would prioritize costs over benefits through the repeal of rules without considering their benefits. The bill would prohibit agencies from issuing a new rule—even an emergency rule that would protect the public from an imminent threat—unless the agency offsets its costs by repealing an existing rule. The bill also would entrust this newly-created commission with extraordinary subpoena powers that could be subject to abuse.

There are already two Executive Orders in place to eliminate unnecessary regulations. On January 18, 2011, President Obama issued Executive Order 13563 requiring each agency to, quote:

“periodically review its existing significant regulations to determine whether any such regulations should be modified, streamlined, expanded, or repealed.”

President Obama also issued Executive Order 13610 on May 10, 2012, requiring agencies to report twice a year to the Office of Information and Regulatory Affairs on the status of their retrospective review efforts. In November 2014, the Administrative Conference of the United States issued a report highlighting the impact of these mandated reviews. The report concluded that the as a result of these executive orders, quote:

“agencies identified tens of billions of dollars of cost savings and tens of millions of hours of reduced paperwork and reporting requirements through modifications of existing regulations.”

Congress also has the authority and the responsibility to conduct oversight to review existing agency rules and to recommend or mandate reforms. Yet, this bill seems to claim to reduce bureaucracy by creating a new commission that would cost taxpayers \$30 million to do what agencies and Congress are already doing.

Perhaps the most startling provision in the bill is that in order to promulgate a health or safety regulation in response to new threats, agencies would have to repeal an existing health or safety regulation based solely on cost. Such a provision, focused exclusively on dollars and cents with no exceptions for imminent threats, is dangerous, and it does not take a crystal ball to see how many American lives could be placed at risk. We need look no further than Flint, Michigan to see how the Republican focus on dollars and cents over public health can have tragic results.

Another troubling aspect of this bill is the commission's virtually unlimited authority to subpoena witnesses or documents. Most agency Inspectors General do not have such broad authority to compel witness testimony, yet this unelected commission would have it. This unelected commission also would have jurisdiction over every existing regulation. This means that it could compel an individual to testify on any subject.

A schoolteacher could be compelled to testify about education rules, or a senior citizen could be compelled to testify about Medicare or Social Security rules.

Three prominent law professors with the Center for Progressive Reform sent a letter opposing this bill. They said that the SCRUB Act would, quote:

“create a convoluted, complex, and potentially very expensive new bureaucracy to review existing agency rules and make recommendations for the repeal or weakening of those rules with little meaningful oversight, transparency, or public accountability to ensure that these recommendations do not subvert the public interest.”

This bill may be well-intended, but it could have dangerous consequences.

I strongly urge me colleagues to oppose this measure.

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