

**SECTION-BY-SECTION ANALYSIS: H.R. _____,
THE “SEARCHING FOR AND CUTTING REGULATIONS THAT ARE
UNNECESSARILY BURDENSOME ACT OF 2014” (SCRUB ACT)**

Section 1. Short Title

Provides that the short title of the bill shall be the “Searching for and Cutting Regulations that are Unnecessarily Burdensome Act of 2014” (SCRUB Act).

Section 2. Table of Contents; Titles I-V

Title I. Retrospective Regulatory Review Commission

Sec.101. General Provisions

- Establishes a blue-ribbon, BRAC-style commission to review federal regulations and identify those that should be repealed or amended to reduce unnecessary regulatory burdens
- Establishes factors for the Commission to take into account when identifying such regulations (*e.g.*, the regulations have been rendered obsolete by technological or market changes; the regulations have achieved their goals and can be repealed without target problems recurring; the regulations are ineffective; the regulations overlap, duplicate or conflict with other federal regulations or, where feasible, with state and local regulations; the regulations’ costs are not justified by the benefits they produce for society within the United States).
- Authorizes the Commission to classify identified regulations for either immediate repeal or amendment or for repeal or amendment through regulatory “cut-go” procedures as agencies promulgate new rules.
- Requires agencies to repeal or amend within prompt timeframes regulations recommended by the Commission for immediate repeal and amendment, unless a joint resolution is enacted to disapprove the Commission’s recommendations.
- Provides that, in the event such a disapproval resolution is enacted, all regulations recommended by the Commission for immediate repeal and amendment become subject to the Act’s agency-administered, regulatory cut-go provisions.
- Requires the Commission to hold public meetings and publish annual and final reports; authorizes the Commission to hold hearings; provides the Commission with authority to obtain necessary documents and witnesses.
- Authorizes funding of the Commission from the unobligated funds of regulatory agencies within the Commission’s purview.

Title II. Regulatory Cut-Go

Sec. 201. Cut-Go Procedures

- Requires agencies, when they promulgate new regulations, to offset the new regulations' costs fully by repealing or amending regulations identified by the Commission.
- Allows agencies alternatively to repeal or amend Commission-identified regulations on an earlier basis to create cost-reduction credits, and later apply the credits to offset the costs of new regulation.
- Requires agencies to use cost-reduction figures calculated by the Commission to determine the cost offsets associated with the repeal or amendment of Commission-identified regulations.

Sec. 202. Applicability

- Lifts the Act's cut-go requirements once agencies achieve, by repeal and amendment of Commission-identified regulations, all cost reductions the Commission determined could be achieved.

Sec. 203. Congressional Approval of Rules Lacking Required Agency Offset

- Amends the Congressional Review Act to require that, if an agency promulgates a new regulation without complying with section 201's cut-go requirements, the regulation cannot become effective unless a joint resolution of approval is enacted.
- Provides that, if a joint resolution of approval is not enacted, the new regulation may not be repromulgated in substantially the same form unless the agency complies with the Act's cut-go requirements.

Sec. 204. OIRA Certification of Cost-Benefit Calculations

- Requires the Office of Information and Regulatory Affairs to review and certify the accuracy of agencies' estimates of the costs of new regulations, include the certifications in the administrative records of new regulations, and transmit copies of the certifications to Congress.

Title III. Retrospective Review of New Rules

Sec. 301. Plan for Future Review

- Requires agencies, when they promulgate new regulations, to publish plans for the review of those regulations. Such reviews are to take place no later than ten years after promulgation.

- Requires agency reviews of major regulations (e.g., regulations that impose costs of \$100 million or more) to be substantially similar to Commission-conducted reviews.
- Requires agencies, when feasible, to include proposed plans for review in their notices of proposed rulemaking for new regulations.

Title IV. Judicial Review

Sec. 401. Judicial Review

- Subjects agency compliance with section 301 to judicial review under the Administrative Procedure Act.

Title V. Miscellaneous Provisions

Sec. 501. Definitions

- Sets forth definitions of terms in the Act.

Sec. 502. Effective Date

- Provides that the Act and amendments made by the Act shall take effect beginning on the date of enactment.