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Feb. 27, 2017

Representative
U.S. House of Representatives
Washington, DC 20515

Re: Floor vote of H.R. 998, the Searching for and Cutting Regulations that are Unnecessarily Burdensome Act of 2017 (SCRUB Act) (oppose)

Dear Representative:

The National Consumer Law Center, on behalf of its low income clients, urges members to oppose H.R. 998, the Searching for and Cutting Regulations that are Unnecessarily Burdensome Act of 2017 (SCRUB Act).

H.R. 998 would establish a new bureaucracy empowered to dismantle long-established data-based standards that protect the public and would make it significantly more difficult for Congress and federal agencies to implement essential future protections. Along with previous bills that have passed the House and the President's Executive Orders instituting a regulatory freeze and requiring the removal of two rules for every one that is finalized, this legislation demonstrates a concerted attack on the rules that protect the public.

H.R. 998 would establish a new Presidentially appointed "regulatory review" commission funded at taxpayer expense and charged with identifying duplicative, redundant or so-called "obsolete" regulations to repeal. Many agencies already conduct regular review of regulations. For example, the Economic Growth and Regulatory Paperwork Reduction Act of 1996 requires that the banking agencies review their regulations every 10 years (a process they are just completing) and the Federal Trade Commission conducts a regular review of its regulations.

The bill would do nothing to identify the numerous gaps, shortfalls, and outdated regulatory standards that leave the public vulnerable to emerging threats. When engaging in rulemaking, agencies routinely consider the costs to affected industries while maximizing public benefits. But this commission makes costs to affected industries primary. Under H.R. 998, the commission's goal to achieve a 15 percent reduction in the cumulative cost of regulations would result in the repeal of critical safeguards, even when the benefits of these rules are significant, appreciated by the public, and far outweigh the costs.

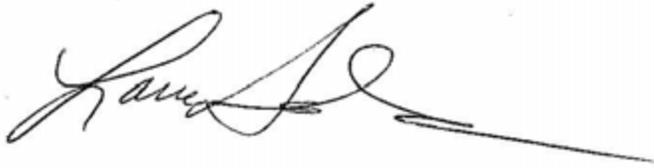
To make matters worse, the SCRUB Act creates a "cut-go" system that is completely divorced from real issues. H.R. 998 says that any agency that issues a new regulation would be required to remove an existing regulation of equal or greater cost. Under this requirement, if a new threat to the public emerges, an agency could not address it unless it eliminates another rule, even if the

existing rule is still necessary and if its benefits outweigh its costs. This one-sided approach is short-sighted and ties the hands of agency staff when new threats arise.

Beyond hampering the ability of agencies to enforce existing laws, there is nothing in H.R. 998 to ensure that the regulations that survive are the most beneficial to the public and maximize the net benefits to society. In fact, under the bill, an agency can select only rules identified by the commission for repeal, even if the agency has identified a rule that is better suited for elimination. Nor do the proposed “cut-go” procedures take into account the many regulations that are mandated by Congress with a statutory deadline or rules subject to court-ordered deadlines. The SCRUB Act makes it impossible for agencies to bypass the “cut-go” procedures, no matter how urgent the circumstances may be.

The SCRUB Act will make government more dysfunctional and unable to protect the public. We strongly urge opposition to H.R. 998, the SCRUB Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Lauren K. Saunders", with a long horizontal flourish extending to the right.

Lauren K. Saunders
Associate Director