Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Ryan (WI)
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NAYS—181

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Dold
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanna
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Kaptur
Katko
Keating
Kelly (IL)
Kildee
Kilmer
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—13

Cleaver
DeLauro
Hinojosa
Issa
Johnson, E. B.
Kennedy
Kind
King (IA)
Miller (MI)
Nugent
Payne
Rush
Titus

□ 1754

Ms. KUSTER changed her vote from ''yea'' to ''nay.''

So the motion to concur was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1927, FAIRNESS IN CLASS ACTION LITIGATION ACT OF 2015

Mr. COLLINS of Georgia, from the Committee on Rules, submitted a privileged report (Rept. No. 114–389) on the resolution (H. Res. 581) providing for consideration of the bill (H.R. 1927) to amend title 28, United States Code, to improve fairness in class action litigation, which was referred to the House Calendar and ordered to be printed.

SEARCHING FOR AND CUTTING REGULATIONS THAT ARE UNNECESSARILY BURDENSOME ACT OF 2015

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1155.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 580 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1155.

The Chair appoints the gentleman from New York (Mr. COLLINS) to preside over the Committee of the Whole.

□ 1758

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1155) to provide for the establishment of a process for the review of rules and sets of rules, and for other purposes, with Mr. COLLINS of New York in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and the chair and ranking minority member of the Committee on Oversight and Government Reform.

The gentleman from Virginia (Mr. GOODLATTE), the gentleman from Michigan (Mr. CONYERS), the gentleman from Utah (Mr. CHAFFETZ), and the gentleman from Maryland (Mr. CUMMINGS) each will control 15 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

As we begin 2016, we face the same difficulty we have faced since the beginning of the Obama administration. Because the administration and the entrenched Washington regulatory bureaucracy insist on piling burden upon burden on the backs of workers, Main Street families, and small-business owners, America is still struggling to create enough new jobs and economic growth to produce the prosperity we need.

□ 1800

To turn this problem around, we must not only stem the tide of unnecessarily costly new regulations; we must also get rid of the deadwood in the accumulated, existing regulations that impose almost $2 trillion in annual costs on our economy.

How can America's job creators create enough new jobs while Washington regulations divert so many of their resources in other directions? The SCRUB Act addresses this problem head-on with new, innovative ways to clear away the clutter of outdated and unnecessarily burdensome regulations.

For years, there has been a bipartisan consensus that this is an important task that must be performed. But, as with so many things, the hard part has always been the details. Different approaches have been tried by different Presidential administrations, and some solutions have been offered by Congress. But, to date, no sufficiently meaningful results have been produced.

In many ways, this is because past approaches never fully aligned the incentives and tools of all the relevant actors—regulatory agencies, regulated entities, the President, the Congress, and others—to identify and cut the regulations that can and should be cut.

On their own, regulators have little incentive to shine a spotlight on their errors or on regulations that are no longer needed. Regulated entities, meanwhile, may fear retaliation by regulators if they suggest ways to trim the regulators' authority. And the sheer volume of the Code of Federal Regulations, which now contains roughly 175,000 pages of regulations,

presents a daunting task for any Congress or President to address.

The SCRUB Act represents a real step forward in our attempts to eliminate obsolete and unnecessarily burdensome Federal regulations without compromising needed regulatory objectives. By establishing an expert commission with the resources and authority to assess independently where and how regulations are outdated and unnecessarily burdensome, it overcomes the disincentives for agencies and even regulated entities to identify problem regulations.

In addition, by providing a legislative method to immediately repeal the most problematic regulations, the SCRUB Act assures that we will take care of the biggest problems quickly. Further, by instituting regulatory CutGo measures for the remaining regulations the commission identifies for repeal—when Congress approves the repeal—the bill assures that the rest of the work of cutting regulations will finally happen.

I urge my colleagues to support the SCRUB Act.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Members, my colleagues, I rise, I am sorry to say, in strong opposition to H.R. 1155, the so-called SCRUB Act, because it threatens to drown agencies in additional layers of red tape and makes it nearly impossible to establish any new rule, no matter how pressing, or to issue any guidance on existing rules.

Under this bill, an agency must treat every regulation the same, regardless of the urgency of the situation or the subject matter of the regulation. H.R. 1155 achieves this result in several respects.

First, the bill would establish a regulatory CutGo process, forcing agencies to prioritize between existing protections and responding to new threats to our health and safety. This draconian, one-size-fits-all retrospective review process would obligate an agency to determine the costs of a new regulation and eliminate an existing regulation in order to pay for it.

Next, the SCRUB Act is a dangerous solution in search of a problem. In principle, retrospective review of existing regulations is certainly not a bad idea. It is hard to argue against the notion that agencies should periodically assess whether the rules they promulgated are as good as they can be or whether they are even necessary in light of changed circumstances.

However, each agency already conducts oversight through retrospective review of agency rules, narrowing the delegations of authority to agencies, controlling agency appropriations, and conducting oversight of agency activity.

And finally, we must acknowledge that the real intent of this legislation is to hobble the ability of the agencies to regulate.

Proponents of this legislation rely on unsubstantiated rhetoric that regulations inhibit economic development. Supporters of so-called regulatory ''reform'' measures like the SCRUB Act claim that regulation imposes such costs on businesses that it stifles economic growth and job creation.

In support of this contention, they repeatedly cite a widely debunked study by economists Mark and Nicole Crain that claims Federal regulation imposes an annual cost of $1.75 trillion on business. The Crain study, however, has been extensively criticized for exaggerating the costs of Federal rulemaking on small businesses.

In recognition of these concerns, the Coalition for Sensible Safeguards, an alliance of more than 150 consumer, labor, research, faith, and other public interest groups, strongly oppose this legislation. In addition, the White House has released a Statement of Administration Policy that threatens to veto this legislation.

Accordingly, I sincerely urge my colleagues to join with me in opposing H.R. 1155.

Mr. Chairman, I reserve the balance of my time.

Mr. BISHOP of Michigan. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. SMITH), the sponsor of the bill.

Mr. SMITH of Missouri. Mr. Chairman, 175,268. That is the number of pages of Federal regulations on the books that are breaking down the backs of small businesses, farmers, and families across our entire country.

Some of the folks across the aisle may say that there aren't any unnecessary regulations, there aren't regulations that cause an undue burden on families, there may not be any that are outdated. Let me give you a list of a couple that I came across just in the last couple of years.

I spoke to some dairy farmers in my congressional district. Not too long ago, according to the EPA, if they stored more than 1,320 gallons of milk, they had to prepare the same kind of hazardous spill requirement that these large oil companies do with oil spills.

Just a few years ago, we had the Department of Labor try to say whether my nephews or anyone's kids or grandkids could perform common chores on the family farm.

We also had the EPA trying to implement ambient air quality standards that are so unrealistic that literally the Mark Twain National Forest in southeast Missouri would be considered in some areas a nonattainment zone. And I can tell you right now that I would rather breathe the oxygen in southeast Missouri than in any of the big coastal cities on the East or the West side.

We have also seen this administration act with the stroke of a pen to try and implement rules that could not be passed by legislation in Congress, such as cap-and-trade when the Democrats controlled the House in 2010. Now the President is trying to implement those environmental policies, which would ultimately double and triple the utility rates of people on fixed incomes in southeast Missouri.

We had an issue where the National Park Service implemented a rule saying that a local Baptist church in south-central Missouri could not perform their water baptism service along the Current River, an act that they had been doing for decades. This was a rule that came up.

Mr. Chairman, as I have stated, there are multiple rules—and I could go on and on—that are unnecessary, outdated, and causing an undue burden on businesses. This is the opportunity where citizens across the country can come before this commission and request rules to be seen and to be looked at that would actually make government smaller, more efficient, and accountable.

I am asking this body to help support the SCRUB Act so we can reform government regulation at the Federal level like we have done at the State level when I was there.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to H.R. 1155, the SCRUB Act, a one-way ratchet with the sole aim of prioritizing costs over benefits through the reckless elimination of rules without consideration of their benefit.

This legislation would shift the costs of rules from corporations to consumers, while posing substantial burdens and delays to agencies, thereby undermining public health and safety.

Title II of H.R. 1155 prohibits agencies from issuing a single new rule until the agency first offsets the cost of the new rule by repealing an existing rule specified by the commission. These regulatory CutGo provisions would apply to every new agency rule, no matter how important or pressing, for every regulatory agency.

For instance, any expert regulatory agency seeking to promulgate a new rule to safeguard vehicles from ignition switch failures, to keeping our water clean from chemical contamination, or to protect our hospitals in the event of an outbreak of an infectious disease would first have to eliminate an existing rule, which would trigger a new rulemaking process altogether to rescind that rule, causing years in delays.

Furthermore, title II lacks any mechanism for agencies to issue emergency rules that protect the public and environment from imminent harm. These procedures are dangerous and would tie the hands of agencies responding to public health crises requiring timely regulatory responses.

Additionally, agencies are unable to simply rescind rules. Instead, the APA requires that agencies follow the same notice and comment procedures to eliminate a rule as would be required to issue the same rule in the first place.

Thus, under the bill's requirements, prior to promulgating a new rule, agencies would likely need to prepare two

sets of proposals: one for a new rule and one for eliminating an existing rule required by the commission through regulatory CutGo. This process may take anywhere from a few months to several years, especially when the underlying rule involves complex issues.

Lastly, the SCRUB Act is a dangerous solution in search of a problem. Each branch of government already conducts effective oversight through retrospective review of agency rules, narrowing the delegations of authority to agencies controlling agency appropriations and conducting oversight of agency activity.

Congress also has the specific authority under the Congressional Review Act to disapprove any rule that an agency proposes.

□ 1815

Rather than meaningfully streamlining the rulemaking process, regulatory CutGo would ossify the regulatory system by causing years of delay in the rulemaking process, creating additional layers and burdens in the regulatory system.

In total, the SCRUB Act would essentially function as a choke hold on Federal agency rulemaking; therefore, we should change the name of the SCRUB Act to the ''Scrooge Act.'' It delays any new action by an agency and drains agency resources and taxpayer dollars in a time of widespread budget austerity.

Lastly, I would comment that imposing the same regulatory burden on a dairy farmer as is imposed on an oil producer or an oil company sounds to me like the oil companies have been having a great day with the rules around here of late if they have got to do what we require a dairy farmer to do.

Mr. Chairman, I reserve the balance of my time.

Mr. BISHOP of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MARINO).

Mr. MARINO. Mr. Chairman, here in Washington, it is often difficult to see the true breadth and effect of the nearly $2 trillion regulatory burden imposed by Federal regulations, but in my Pennsylvania district, you see these burdens in everyday life.

Across the spectrum of businesses, the struggle with regulatory compliance is an ever-present drag on creating jobs, economic growth, and innovation. I hear the same stories from small, family-owned restaurants, to mechanics, shop owners, and even landscapers. Due to decades of regulation from Washington, they are forced to focus as much time or more on compliance instead of running their businesses. These are real costs in dollars that are lost to needless and, in many cases, outdated red tape.

The SCRUB Act will start the process of unraveling years of convoluted, sometimes contradictory, regulations and eliminating the costs that come with them. It is a bill that will modernize our Code of Federal Regulations for the 21st Century by eliminating regulations from the last one. Just as important, it is a bill that will lessen the amount of money spent by our government in enforcing regulations that are no longer needed.

I am proud to cosponsor this piece of legislation, and I urge all my colleagues to support it.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. PETERS).

Mr. PETERS. I thank the gentleman for yielding.

Mr. Chairman, the Harvard Business School's United States Competitiveness Project has outlined eight actions it recommends that Congress take to make America the most economically competitive place in the world to do business, not just to increase corporate profits, but to increase wages for working people across America.

Among those eight steps, which include immigration reform, responsible Federal budgeting, tax reform, and investing in infrastructure and research, is simplifying Federal regulation. The idea is not to lower standards but to regulate more intelligently, keeping in mind costs and benefits, and focusing on outcomes rather than compliance methods.

I am in lockstep agreement with the Harvard Business School and with House Republican leadership and with many of my Democratic colleagues on the objective of simplifying and streamlining Federal regulation. But what frustrates me today is that the House Republican leadership's so-called SCRUB Act has no chance of passage, and they know it. Because it requires costs to be arbitrarily cut, with no policy goal, and makes it hard to do even good rulemaking in the future, it has virtually no support among Democrats, including, most notably, the President of the United States, who would have to sign the bill for it to become law.

If we want to be serious about regulatory reform, we should bring up a bill that has bipartisan support, will pass this Chamber, and has a chance at the President's approval as well.

The amendment that will be offered later by the gentleman from Florida (Mr. MURPHY), my colleague, that I cosponsored, is based on the Regulatory Improvement Act of 2015. The bill is strongly bipartisan, counting new Democrats, moderate Republicans, and even Freedom Caucus members among its cosponsors.

It would empower, like the SCRUB Act, an independent, bipartisan commission to sift through the regulatory accumulation of the past decades to recommend changes and eliminations and to present those recommendations to Congress for an up-or-down vote.

Now, we have heard the Republican leadership say that Congress, in 2016, will be about drawing contrasts. Apparently, that means that, rather than seeking to work together in areas on which we agree, we will have a series of these message bills, like the SCRUB Act, that are more about making a political point than making policy. So we will talk about the SCRUB Act instead of passing the Regulatory Improvement Act; and therefore, we will not provide the economy and our workers the regulatory relief that we all want to provide them and we agreed that they need. And that, drawing contrasts to win elections instead of working on solutions for our constituents in areas in which Republicans and Democrats agree, is what people hate about Congress.

I urge my colleagues to support the bipartisan approach.

Mr. BISHOP of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, I rise this evening in support of H.R. 1155, the SCRUB Act, and would like to thank my colleague from Missouri (Mr. SMITH) for his leadership in this matter.

Mr. Chairman, this legislation is aimed at decreasing the regulatory burden facing our Nation's small businesses. Small businesses account for 7 out of every 10 new jobs created in America today—7 out of 10.

Unfortunately, overly burdensome regulations particularly impact small businesses. Oppressive Federal regulations are holding our small businesses back from growing and creating more jobs, and we all know we need more jobs created in this country.

As chairman of the Committee on Small Business in the House, I hear from small-business folks every week from all over the country who are struggling under the weight of excessive regulations.

In the West End of Cincinnati, for example, the Wegman Company is finding it next to impossible to comply with ObamaCare and SBA loan requirements. They say that reducing unnecessary regulatory burdens would allow them to focus their energy and time and resources on growing and expanding their business and creating the jobs that are sorely needed in Cincinnati.

The SCRUB Act will create a bipartisan, blue-ribbon commission to closely examine the mountain of costly existing Federal regulations and target those that ought to be repealed. In particular, the commission will prioritize reviews of major rules, some that are more than 15 years old and that impose disproportionately high costs on America's small businesses.

H.R. 1155 will provide a commonsense way to identify and repeal outdated regulations that unnecessarily and disproportionately burden small businesses. I urge my colleagues to support the SCRUB Act.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

Mr. Chairman, I have certain sympathy to what my friend from California talked about. There are areas of being able to move forward to be able to fine-tune the regulatory system. The problem with the approach that is taken here—it has no chance of being enacted into law and includes sort of a mindless approach in a formula basis that has no reality basis going forward.

We have used government regulation to be able to fine-tune legislation. Can it be done better? I have no doubt.

One of the things I feel very strongly about, it is not a case of having a mindless formula, having a group of unelected bureaucrats. I find that my friends on the other side of the aisle had spasms of angst and fury about unelected bureaucrats advising Congress dealing with the Affordable Care Act to try and help maintain targets for Medicare savings, but they have referred to unelected bureaucrats in this regard.

One of the things that I think is important is that we not implement a theory here that would engage us in more rulemaking, more expenses. This would effectively dramatically increase the amount of time and energy, reducing the flexibility to be able to move forward.

It would be much more productive if we were focusing on the principle of performance-based regulation. Establish what it is that we are trying to do; provide the actors and actresses in the private sector and in government with achievable benchmarks to guide the behavior that we are trying to achieve.

The CHAIR. The time of the gentleman has expired.

Mr. JOHNSON of Georgia. I yield the gentleman an additional 15 seconds.

Mr. BLUMENAUER. A performance-based regulatory system would have less overall regulation, give people a target to shoot for that wouldn't have to be as contentious, and actually be able to get the job done. This would be a much more productive approach rather than legislation that isn't going to go anywhere and, frankly, shouldn't go anywhere.

Mr. BISHOP of Michigan. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. I thank the gentleman for yielding.

Mr. Chairman, the fourth branch of government is the bureaucrats. We don't know who most of them are, but they are everywhere. And what they do is, with a certain group of bureaucrats, they regulate. Congress has allowed them to do that, by law, and they make all kinds of rules about everything.

Usually they will take a law, and then they will regulate or form rules about that law; and because of that, we have about 175,000 pages of regulation. Come a long ways since the Ten Commandments—10 words, basically. Now they have got 175,000 pages of regulations, rules by Federal bureaucrats on American businesses and American individuals.

Do we really need 175,000 rules? Maybe a few thousand less would be better.

The SCRUB Act tries to organize all of these rules because a lot of them are important. A lot of them are good, and a lot of them are bad. A lot of them are dumb, and a whole lot of them are very expensive to Americans.

Now, let's just use one example. The Lacey Act was written in about 1900, and the Lacey Act says, if a crime is committed in another country regarding importing into the U.S., it is a crime in the U.S. if it is a crime in another country.

So Abner Schoenwetter was charged with a crime under the interpretation of the Lacey Act because he had the audacity to import into the United States the Caribbean spiny lobster from Honduras that were too small, and he shipped them in paper boxes, cardboard boxes, instead of plastic boxes.

Now, never mind that the Honduran Government did not enforce this law. In fact, the Honduran Government said, in a brief to the U.S. Government from the Attorney General of Honduras: Don't prosecute him. We don't enforce this law.

But no, he is prosecuted under the interpretation of the Lacey Act for bringing in those little bitty lobsters and bringing them in paper rather than in plastic. So you know the result? He got 8 years in prison for this.

Are you kidding me? I mean, I am a former judge. Do we really need to be spending America's money and time on prosecuting people for using paper instead of plastic? And that is what happened to him.

So the SCRUB Act will go through and try to regulate the regulators and regulate the regulations.

And that is just the way it is.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, it is clear that the driver of the SCRUB Act is not the dairy farmer, but it is the oil company and those as rich and powerful as those are.

So, in summary, H.R. 1155 is yet another antiregulatory bill on the big corporation wish list, saddling American taxpayers with a $30 million check for a bill that wouldn't create one job beyond the membership of the commission itself.

This bill has serious flaws, and I would urge my colleagues to reject it. Vote ''no'' on H.R. 1155.

I yield back the balance of my time.

Mr. BISHOP of Michigan. Mr. Chairman, I yield myself the balance of my time.

During this debate, my friends from the other side of the aisle have raised several false alarms about the alleged harms of this bill.

□ 1830

The alarm bells that should be ringing for all Americans, however, is the alarm bell about the damage the dead weight of Washington regulation is piling on American jobs and wages.

All rhetoric aside, the question that needs to be asked is, at the turn of this new year, where do American jobs and wages stand? The Investor's Business Daily reports that we have just concluded 8 years of zero real wage growth for American workers and families. That means zero wage growth for the entire Obama administration—0.0.

What about jobs? Ninety-four million Americans above the age of 16 are out of the workforce—completely out of the workforce. Labor force participation has fallen sharply for working-age Americans. And we would have created about 6 million more jobs if the so-called Obama recovery had just been as good and as strong as the average recovery since World War II. The Obama recovery, instead, is the worst recovery from recession in a postwar era. The near $2 trillion of annual regulatory costs crushing our economy's ability to create new jobs and higher wages is a critical part of this problem.

Mr. Chair, I urge all of my colleagues to join me in supporting this bill to help deliver new jobs and better wages to America's workers and families.

Mr. Chair, I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to first start by thanking the leadership of JASON SMITH in bringing this bill before us.

I rise in support of H.R. 1155, the Searching for and Cutting Regulations that are Unnecessarily Burdensome Act of 2015, also known as the SCRUB Act, which we have been talking about.

The bill addresses an important issue facing American taxpayers: ever-growing regulation. Each year the Federal agencies add regulation after regulation piling up into an already complex and crowded regulatory system. The Code of Federal Regulation now exceeds 175,000 pages, and every year the Federal Government promulgates thousands of new regulations. It is hard to keep up with all the regulation time and time again.

In just the fall of 2015, the semiannual Unified Regulatory Agenda contained 2,000 more regulations, including 144 regulations expected to cost over $100 million each. This ever-growing stack of regulations has considerable impacts on the economy.

I want to be clear. This happens no matter what the administration is—Democrat, Republican, Bush, Obama, it doesn't matter. It is a natural tendency of the executive branch to want to do what Congress is supposed to do, and there are just things that get implemented that need to be scrubbed out of the system so we can get to some sanity and some reasonableness, so that people can understand what their government is expecting of them.

I think there is room and there is place for regulation, but it is a limited

one. It needs to be well understood, and it is reasonable to search, cut, find, and get rid of these burdensome regulations.

Mr. Chairman, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY. I thank my dear friend, the distinguished ranking member of the Oversight and Government Reform Committee, the gentleman from Maryland (Mr. CUMMINGS).

I must say, the previous speaker representing the majority on the Judiciary Committee reminded me of the meaning of the word chutzpah. To complain about job growth when your party hands a new, Democratic President the deepest and worst recession since the Great Depression; when you leave the country with 10.2 percent unemployment, and that President and these Democrats in this Congress reversed all that. Unemployment is less than half of that, 5 percent. We have had 64 consecutive months of positive—net positive—private-sector job growth, the longest stretch in American history. And you want to say it could have been better if we hadn't had so much regulation? What an extraordinary narrative—and a false one and a dangerous one.

The name of this bill is the SCRUB Act. The best thing we can do with this bill is to scrub it from the floor of the House of Representatives. It is dangerous because it will lift protections on public health and public safety.

You don't like regulation. Some regulation is burdensome, and certainly we ought to have regular reviews to make sure we reduce or eliminate those. We already do. Agencies are already required to do so under the executive orders signed by this President.

In fact, those efforts are yielding results. The Administrative Conference of the United States reports that agencies have identified ''tens of billions of dollars of cost savings and tens of millions of hours of reduced paperwork and reporting requirements through modification of existing regulations'' because of those reviews already in place. The Department of Labor, for example, modified its chemical hazard labeling requirement, reducing costs to industry by $2.5 billion over the last 5 years.

I am particularly troubled by the bill's creation of a CutGo scheme which seems deceptively appealing. That is a plan in which agencies would be required to eliminate an existing regulation before they could possibly promulgate a new one. That forces agencies into an arbitrary and untenable position of having to choose between preserving existing public health and safety protections or moving to protect against new threats. The bill provides no safe harbor exceptions for any rules, no matter how important, potentially jeopardizing the very public health and safety mission of Federal agencies.

Of course, Mr. Chairman, the real intent behind this bill and another the House will consider tomorrow is not about improving regulatory processes but to create delays ad infinitum to grind the regulatory process to an absolute halt for the benefit of certain corporate interests in America at the public's expense. In addition to not giving the administration any credit for its herculean efforts to streamline current regulations, my colleagues on the other side of the aisle conveniently fail to mention any of the health or safety benefits of regulation. OMB estimates the annual net—net—benefit of major rules issued during this administration is approximately $215 billion. But that is an inconvenient fact. That is a difficult thing to talk about, that there actually could be benefits to public health by cleaner air and cleaner water.

Further, my colleagues have provided no evidence that regulation somehow serves as the hobnail boot on the neck of the economy, as they would have us believe. I mentioned it is quite the opposite in terms of unemployment, in terms of job growth, and in terms of GDP growth.

Mr. Chairman, it is this legislation that is unnecessary and burdensome and, I suggest, a threat to public health and safety. We ought to scrub it from the calendar. Short of that, I certainly urge my colleagues to oppose it, as I will.

Mr. CHAFFETZ. Mr. Chairman, The Washington Times cited the Federal Register. In 1 year alone, there were 81,611 pages of new regulations. I think it is time that we go back and look at those.

I yield 2 minutes to the gentleman from Louisiana (Mr. GRAVES) for his passion on this topic.

Mr. GRAVES of Louisiana. I thank the gentleman for yielding.

Mr. Chairman, since 2008, the term of the current administration, for the first time since records have been kept, we have a net reduction in small businesses, according to the National Federation of Independent Business.

I am going to say that again. We have, for the first time in recorded history, a net reduction in small businesses in this country.

There is a study that was done in 2012 by the National Association of Manufacturers. It says for small manufacturers—for small manufacturers—the cost per employee of complying with regulations is $35,000. There is another study that was done for the SBA that determined that $15,000 per family—per household—is the cost of complying with regulations in the United States. This is absolutely a burden on our families. It is a burden on our economy.

Now, at the same time, the administration is out there talking about the promotion of free trade agreements around the country. Explain to me how we are going to be able to compete on a level playing field with these other countries if we are tying the American workers' hands behind their backs and throwing them out there on the field?

Mr. Chairman, I am not sure what bill is being described here by some of the previous speakers. This bill sets up a bipartisan commission. You heard numerous examples of regulations that are outdated that might have made a ton of sense in the 1940s and the 1950s. It is 2016. We need to take a fresh look at this.

A study was done that determined that this bill could result in the reduction or a cost savings of $48 billion annually by taking a fresh look at regulations. Government is not going to save this country. Government didn't make this country the greatest country in the world. It was competition, it was innovation, and it was hard work by the American workforce.

Take this regulatory burden off of our workforce, Mr. Chairman, and let's put these people back to work.

Mr. CUMMINGS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this legislation. The SCRUB Act would establish a $30 million commission to duplicate work agencies are already supposed to be doing. The bill would entrust this commission with extraordinary powers that could be subject to abuse. This bill is opposed by Citizens for Sensible Safeguards, a coalition of more than 150 consumer, labor, and good government groups. In addition, the administration announced last night that if this bill were presented to the President, his advisers would recommend that he veto it.

President Obama has already issued two executive orders to eliminate unnecessary regulations. On January 18, 2011, President Obama issued Executive Order No. 13563, requiring each agency to implement plans for reviewing its existing rules. It requires each agency to ''periodically review its existing significant regulations to determine whether any such regulations should be modified, streamlined, expanded, or repealed.''

In addition, President Obama issued Executive Order No. 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: ''Implementing President Obama's executive orders on retrospective review of regulations, 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 attempts to reduce bureaucracy by creating a new commission

that would cost taxpayers $30 million—let me say that again—$30 million to do what agencies and Congress are already doing.

One of the most troubling aspects of this bill is the broad authority it would give to the commission. The commission would have virtually unlimited authority to subpoena witnesses or documents. Specifically, section 101(c) of this bill states: ''The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to the duties of the Commission. The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.''

□ 1845

Most agency inspectors general do not have such broad authority to compel witness testimony, yet this unelected commission would have this authority. The commission 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 last month. The letter said:

''H.R. 1155 would 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 may be a well-intended bill, but it could have dangerous consequences. I urge Members to oppose it.

Mr. Chairman, I include in the RECORD a Statement of Administration Policy, dated January 5, 2016.

STATEMENT OF ADMINISTRATION POLICY

H.R. 1155—SEARCHING FOR AND CUTTING REGULATIONS THAT ARE UNNECESSARILY BURDENSOME ACT OF 2015

(Rep. Smith, R–MO, Jan. 5, 2016)

The Administration is committed to ensuring that regulations are smart and effective, and tailored to further statutory goals in the most cost-effective and efficient manner. The retrospective review of regulations has been an ongoing priority of this Administration. Starting in 2011, the President institutionalized the retrospective review of regulations in Executive Orders 13563 and 13610, requiring agencies to report twice a year on the status of their efforts. H.R. 1155, the Searching for and Cutting Regulations that are Unnecessarily Burdensome Act, would make the process of retrospective regulatory review less productive. Further, the bill also would create needless regulatory and legal uncertainty; increase costs for businesses and State, local and tribal governments; and impede common-sense protections for the American public. Accordingly, the Administration strongly opposes House passage of H.R. 1155 in its current form.

Although outside input and perspective on what rules may be ripe for potential reform or repeal is crucial, retrospective review is most effective when led by the agencies. The bill's creation of a stand-alone commission to review the entire Code of Federal Regulations is likely to produce a haphazard list of rules that, under the procedures in the bill, must be repealed if approved by a joint resolution. There appears to be no mechanism for making thoughtful and modest modifications to rules to improve their implementation and enforcement, which is often the best course of action for making regulations work better. Moreover, the bill's ''cut-go'' approach is problematic: it would interfere with the ability of agencies to issue regulations that are essential for the protection of public health, safety, and the environment.

The Administration recognizes that the applicability of ''cut-go'' in H.R. 1155 is narrower than in other bills being considered in the Congress. Nonetheless, it is essential that agencies have the flexibility to promptly issue new, vital rules. This ability should not be constrained by a Commission's recommendation, or Congressional approval of a list of repealable rules. While retrospective review is an Administration priority and an essential tool to relieve unnecessary regulatory burden, it is important that retrospective review efforts not unnecessarily constrain an agency's ability to provide a timely response to critical public health or safety issues, or constrain its ability to implement new statutory provisions.

For these reasons, the Administration strongly opposes H.R. 1155 in its current form. If the President were presented with the current version of H.R. 1155, his senior advisors would recommend that he veto the bill.

Mr. CUMMINGS. I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. BLUM). I appreciate his passion on this issue.

Mr. BLUM. Mr. Chairman, I thank the chairman.

I rise today in support of H.R. 1155, the Searching for and Cutting Regulations that are Unnecessarily Burdensome Act.

While the full title is a mouthful, I can assure you that the idea behind this bill is simple and clear: removing obsolete and burdensome regulations so our economy can grow.

This legislation creates a commission to identify outdated rules, streamlines and updates our regulatory system, and enforces executive agencies to repeal unnecessary regulations to offset the cost of new ones.

As a career small business person, I know firsthand what it is like to operate and grow a business under the burden of excessive regulation. I have met a payroll every week for the last 20 years.

I would propose to you, Mr. Chairman, if more of my Democratic colleagues had signed the fronts of paychecks, this Federal Government would produce fewer regulations on businesses today.

According to a report by the Competitive Enterprise Institute, the cost to the economy of regulations is a staggering $2 trillion a year. And we wonder, Mr. Chairman, why manufacturers choose to move their operations outside the United States.

Instead of hiring more workers, raising wages and benefits, and investing in technology, many businesses are forced instead to divert investments toward complying with evermore government regulations. This has to change.

As I travel in my district, I am often asked how do we reignite the economy. The answer, Mr. Chairman, is relatively simple. We have the finest entrepreneurs and the finest small-business people in the entire world here in the United States.

Simply get out of our way, get off of our backs with excessive regulations, get out of our back pockets with excessive fees and taxes, and we will grow our businesses, will hire more employees, and we will create opportunities for our citizens to live their versions of the American Dream.

I thank the gentleman from Missouri (Mr. SMITH) for putting this proposal forward. I urge my colleagues to support this commonsense measure so our businesses can be free from outdated regulations that no longer make sense for America.

Mr. CUMMINGS. Mr. Chairman, I continue to reserve the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. JODY B. HICE).

Mr. JODY B. HICE of Georgia. Mr. Chairman, I appreciate the gentleman yielding.

I rise in support of H.R. 1155. I think, if all of us are honest in this House, every one of us, certainly myself included, I would be the first to say I hear on a regular basis from the people of Georgia of how they are literally being strangled economically because of the overburdened Federal regulations that are upon them.

It is an issue that we must absolutely address. It is an issue that we have dealt with time and again in the Oversight and Government Reform Committee. Now we have an opportunity to do something about it. That is why I support H.R. 1155.

The SCRUB Act, in essence, will establish a blue-ribbon commission to identify outdated and unnecessary regulations that are placing a burden on our businesses and individuals. This commission will be comprised of experts from the private sector, academia, as well as government agencies.

I hope we have heard what has already been said here today. There are 175,000 pages of regulations amounting to some $2 trillion a year of burdens upon our economy, upon businesses, and upon individuals in this country. It amounts to, as was stated previously, some $15,000 per household if it were spread out.

How can we tolerate this any longer? We can't. That is the bottom line. The commission that will be established

here will help go through all of these 175,000 pages of regulations and help end a culture of suffocation and regulation.

Mr. Chairman, I am proud to have supported the SCRUB Act in the Committee on Oversight and Government Reform in the past, and I am pleased to do so again today.

I urge my colleagues to support H.R. 1155.

Mr. CUMMINGS. Mr. Chairman, I continue to reserve the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, I would like to make my counterpart aware that I have one additional speaker and then I am prepared to close.

At this time, I yield 2 minutes to the gentleman from Illinois (Mr. HULTGREN).

Mr. HULTGREN. Mr. Chairman, I thank the chairman.

I rise today as an original cosponsor of the SCRUB Act that relieves the burdensome impact of unnecessary Federal regulation on Americans.

This legislation establishes a systematic process to reduce regulatory costs. It comes at a time when the President continues to limit Americans' economic freedom by issuing new decrees from Washington.

According to the Competitive Enterprise Institute, the Obama administration issued a staggering 82,036 pages of proposed rules just in 2015, eclipsing its own 2010 record. In 2015, that equaled a total of 3,408 rules and regulations.

The weight of Federal regulations is a millstone around the necks of entrepreneurs and small businesses struggling to survive amid economic uncertainty. The SCRUB Act provides a means to cut unnecessary regulations and help the economy recover. It incorporates elements of my own bill, the Regulatory Review and Sunset Act.

Like my bill, the SCRUB Act requires the review of existing regulations to identify those in need of repeal. Under the review process, it prioritizes those regulations with a major economic impact and that impose a disproportionate economic burden on small businesses.

It requires recommendations on regulatory repeal to be presented to Congress for approval. If Congress gives the okay, repeal must happen.

Republicans and Democrats alike support eliminating the costs of unnecessary and obsolete regulations to help economic recovery. The SCRUB Act provides a meaningful, bipartisan mechanism to achieve this goal.

Again, I want to thank the chairman. I urge passage.

Mr. CUMMINGS. Mr. Chairman, I yield myself the balance of my time.

In closing, Mr. Chairman, the Members on the other side of the aisle talk about the costs of regulations. I think we always have to keep in mind there is a reason for regulations.

Sadly, in many instances, there have been abuses where public health safety is concerned. We have to make sure that we draw that balance. I think President Obama has done a lot in that regard and has probably done more than many of his predecessors.

It is important to remember that these regulations have enormous benefits. In October, the Office of Information and Regulatory Affairs reported that the net benefits of major rules issued during the Obama administration, from 2009 to 2014, is some $215 billion. Agencies have also reduced the cost of regulations by streamlining existing rules.

In 2014, the Administrative Conference of the United States reported that more than 90 percent of agency retrospective reviews resulted in amendments to the Code of Federal Regulations. For example, the Department of Labor modified the chemical hazard labeling requirements, which saved manufacturers around $2.5 billion over 5 years.

We do not need to waste $30 million on a new commission to review rules when agencies are already performing this function without additional taxpayer funding.

I urge all Members to vote against this bill.

Mr. Chairman, I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, I yield myself the balance of my time.

I urge passage of this bill. I want to congratulate our colleague, Congressman JASON SMITH, for his good, diligent work on this. A lot of Members have had a deep-seated interest in this. There has been, I think, a good discussion about this.

In general, I think what we are proposing is very fair and it is very balanced. We are asking for a bipartisan group of people to go back and review things. I think it would be naive at best to think that things that were added as regulations in the 1940s or the 1950s are automatically—automatically—by default necessary today.

Sometimes you have to go back and look. And we are asking to do this in a bipartisan way. That is not a heavy lift. It is not unreasonable. It is very balanced in its approach. I think it is the right thing to do.

Is there a proper role of regulation? Of course. It doesn't mean that everything needs to be regulated. I worry about the men and women, the young entrepreneurs, that are trying to get things done because they run into hurdles they never knew were there. We handcuff people. There are unintended consequences. The economy is different today than it was in the 1930s or the 1940s.

It is reasonable to go back and try to scrub out some of these regulations and do so in a bipartisan way, but, yet, there is opposition to that. Nevertheless, I think we put together a good bill. I urge Members to vote for it.

I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule and is considered read.

The text of the bill is as follows:

H.R. 1155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Searching for and Cutting Regulations that are Unnecessarily Burdensome Act of 2015'' or as the ''SCRUB Act of 2015''.

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. Table of contents.
TITLE I—RETROSPECTIVE REGULATORY REVIEW COMMISSION
Sec. 101. In general.
TITLE II—REGULATORY CUT-GO
Sec. 201. Cut-go procedures.
Sec. 202. Applicability.
Sec. 203. OIRA certification of cost calculations.
TITLE III—RETROSPECTIVE REVIEW OF NEW RULES
Sec. 301. Plan for future review.
TITLE IV—JUDICIAL REVIEW
Sec. 401. Judicial review.
TITLE V—MISCELLANEOUS PROVISIONS
Sec. 501. Definitions.
Sec. 502. Effective date.

TITLE I—RETROSPECTIVE REGULATORY REVIEW COMMISSION

SEC. 101. IN GENERAL.

(a) ESTABLISHMENT.—There is established a commission, to be known as the ''Retrospective Regulatory Review Commission'', that shall review rules and sets of rules in accordance with specified criteria to determine if a rule or set of rules should be repealed to eliminate or reduce the costs of regulation to the economy. The Commission shall terminate on the date that is 5 years and 180 days after the date of enactment of this Act or 5 years after the date by which all Commission members' terms have commenced, whichever is later.

(b) MEMBERSHIP.—

(1) NUMBER.—The Commission shall be composed of 9 members who shall be appointed by the President and confirmed by the Senate. Each member shall be appointed not later than 180 days after the date of enactment of this Act.

(2) TERM.—The term of each member shall commence upon the member's confirmation by the Senate and shall extend to the date that is 5 years and 180 days after the date of enactment of this Act or that is 5 years after the date by which all members have been confirmed by the Senate, whichever is later.

(3) APPOINTMENT.—The members of the Commission shall be appointed as follows:

(A) CHAIR.—The President shall appoint as the Chair of the Commission an individual with expertise and experience in rulemaking, such as past Administrators of the Office of Information and Regulatory Affairs, past chairmen of the Administrative Conference of the United States, and other individuals with similar expertise and experience in rulemaking affairs and the administration of regulatory reviews.

(B) CANDIDATE LIST OF MEMBERS.—The Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate shall each present to the President a list of candidates to be members of the Commission. Such candidates shall be individuals learned in rulemaking affairs and, preferably, administration of regulatory reviews. The President shall appoint 2 members of the Commission from each list provided under this subparagraph, subject to the provisions of subparagraph (C).

(C) RESUBMISSION OF CANDIDATE.—The President may request from the presenter of the list under subparagraph (B) a new list of one or more candidates if the President—

(i) determines that any candidate on the list presented pursuant to subparagraph (B) does not meet the qualifications specified in such subparagraph to be a member of the Commission; and

(ii) certifies that determination to the congressional officials specified in subparagraph (B).

(c) POWERS AND AUTHORITIES OF THE COMMISSION.—

(1) MEETINGS.—The Commission may meet when, where, and as often as the Commission determines appropriate, except that the Commission shall hold public meetings not less than twice each year. All meetings of the Commission shall be open to the public.

(2) HEARINGS.—In addition to meetings held under paragraph (1), the Commission may hold hearings to consider issues of fact or law relevant to the Commission's work. Any hearing held by the Commission shall be open to the public.

(3) ACCESS TO INFORMATION.—The Commission may secure directly from any agency information and documents necessary to enable the Commission to carry out this Act. Upon request of the Chair of the Commission, the head of that agency shall furnish that information or document to the Commission as soon as possible, but not later than two weeks after the date on which the request was made.

(4) SUBPOENAS.—

(A) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to the duties of the Commission. The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.

(B) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under subparagraph (A), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(C) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(D) SERVICE OF PROCESS.—All process of any court to which application is made under subparagraph (B) may be served in the judicial district in which the person required to be served resides or may be found.

(d) PAY AND TRAVEL EXPENSES.—

(1) PAY.—

(A) MEMBERS.—Each member, other than the Chair of the Commission, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(B) CHAIR.—The Chair shall be paid for each day referred to in subparagraph (A) at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(2) TRAVEL EXPENSES.—Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) DIRECTOR OF STAFF.—

(1) IN GENERAL.—The Commission shall appoint a Director.

(2) PAY.—The Director shall be paid at the rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(f) STAFF.—

(1) IN GENERAL.—Subject to paragraph (2), the Director, with the approval of the Commission, may appoint, fix the pay of, and terminate additional personnel.

(2) LIMITATIONS ON APPOINTMENT.—The Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for GS–15 of the General Schedule.

(3) AGENCY ASSISTANCE.—Following consultation with and upon request of the Chair of the Commission, the head of any agency may detail any of the personnel of that agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(4) GAO AND OIRA ASSISTANCE.—The Comptroller General of the United States and the Administrator of the Office of Information and Regulatory Affairs shall provide assistance, including the detailing of employees, to the Commission in accordance with an agreement entered into with the Commission.

(5) ASSISTANCE FROM OTHER PARTIES.—Congress, the States, municipalities, federally recognized Indian tribes, and local governments may provide assistance, including the detailing of employees, to the Commission in accordance with an agreement entered into with the Commission.

(g) OTHER AUTHORITY.—

(1) EXPERTS AND CONSULTANTS.—The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

(2) PROPERTY.—The Commission may lease space and acquire personal property to the extent funds are available.

(h) DUTIES OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall 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 to the economy. The Commission shall give priority in the review to rules or sets of rules that are major rules or include major rules, have been in effect more than 15 years, impose paperwork burdens that could be reduced substantially without significantly diminishing regulatory effectiveness, impose disproportionately high costs on entities that qualify as small entities within the meaning of section 601(6) of title 5, United States Code, or could be strengthened in their effectiveness while reducing regulatory costs. The Commission shall have as a goal of the Commission to achieve a reduction of at least 15 percent in the cumulative costs of Federal regulation with a minimal reduction in the overall effectiveness of such regulation.

(2) NATURE OF REVIEW.—To identify which rules and sets of rules should be repealed to lower the cost of regulation to the economy, the Commission shall apply the following criteria:

(A) Whether the original purpose of the rule or set of rules was achieved, and the rule or set of rules could be repealed without significant recurrence of adverse effects or conduct that the rule or set of rules was intended to prevent or reduce.

(B) Whether the implementation, compliance, administration, enforcement or other costs of the rule or set of rules to the economy are not justified by the benefits to society within the United States produced by the expenditure of those costs.

(C) Whether the rule or set of rules has been rendered unnecessary or obsolete, taking into consideration the length of time since the rule was made and the degree to which technology, economic conditions, market practices, or other relevant factors have changed in the subject area affected by the rule or set of rules.

(D) Whether the rule or set of rules is ineffective at achieving the purposes of the rule or set of rules.

(E) Whether the rule or set of rules overlaps, duplicates, or conflicts with other Federal rules, and to the extent feasible, with State and local governmental rules.

(F) Whether the rule or set of rules has excessive compliance costs or is otherwise excessively burdensome, as compared to alternatives that—

(i) specify performance objectives rather than conduct or manners of compliance;

(ii) establish economic incentives to encourage desired behavior;

(iii) provide information upon which choices can be made by the public;

(iv) incorporate other innovative alternatives rather than agency actions that specify conduct or manners of compliance; or

(v) could in other ways substantially lower costs without significantly undermining effectiveness.

(G) Whether the rule or set of rules inhibits innovation in or growth of the United States economy, such as by impeding the introduction or use of safer or equally safe technology that is newer or more efficient than technology required by or permissible under the rule or set of rules.

(H) Whether or not the rule or set of rules harms competition within the United States economy or the international economic competitiveness of enterprises or entities based in the United States.

(I) Such other criteria as the Commission devises to identify rules and sets of rules that can be repealed to eliminate or reduce unnecessarily burdensome costs to the United States economy.

(3) METHODOLOGY FOR REVIEW.—The Commission shall establish a methodology for conducting the review (including an overall review and discrete reviews of portions of the Code of Federal Regulations), identifying rules and sets of rules, and classifying rules under this subsection and publish the terms of the methodology in the Federal Register and on the website of the Commission. The Commission may propose and seek public comment on the methodology before the methodology is established.

(4) CLASSIFICATION OF RULES AND SETS OF RULES.—

(A) IN GENERAL.—After completion of any review of rules or sets of rules under paragraph (2), the Commission shall classify each rule or set of rules identified in the review to qualify for recommended repeal as either a rule or set of rules—

(i) on which immediate action to repeal is recommended; or

(ii) that should be eligible for repeal under regulatory cut-go procedures under title II.

(B) DECISIONS BY MAJORITY.—Each decision by the Commission to identify a rule or set of rules for classification under this paragraph, and each decision whether to classify the rule or set of rules under clause (i) or (ii) of subparagraph (A), shall be made by a simple majority vote of the Commission. No such vote shall take place until after all members of the Commission have been confirmed by the Senate.

(5) INITIATION OF REVIEW BY OTHER PERSONS.—

(A) IN GENERAL.—The Commission may also conduct a review under paragraph (2) of, and, if appropriate, classify under paragraph (4), any rule or set of rules that is submitted for review to the Commission by—

(i) the President;

(ii) a Member of Congress;

(iii) any officer or employee of a Federal, State, local or tribal government, or regional governmental body; or

(iv) any member of the public.

(B) FORM OF SUBMISSION.—A submission to the Commission under this paragraph shall—

(i) identify the specific rule or set of rules submitted for review;

(ii) provide a statement of evidence to demonstrate that the rule or set of rules qualifies to be identified for repeal under the criteria listed in paragraph (2); and

(iii) such other information as the submitter believes may be helpful to the Commission's review, including a statement of the submitter's interest in the matter.

(C) PUBLIC AVAILABILITY.—The Commission shall make each submission received under this paragraph available on the website of the Commission as soon as possible, but not later than 1 week after the date on which the submission was received.

(i) NOTICES AND REPORTS OF THE COMMISSION.—

(1) NOTICES OF AND REPORTS ON ACTIVITIES.—The Commission shall publish, in the Federal Register and on the website of the Commission—

(A) notices in advance of all public meetings, hearings, and classifications under subsection (h) informing the public of the basis, purpose, and procedures for the meeting, hearing, or classification; and

(B) reports after the conclusion of any public meeting, hearing, or classification under subsection (h) summarizing in detail the basis, purpose, and substance of the meeting, hearing, or classification.

(2) ANNUAL REPORTS TO CONGRESS.—Each year, beginning on the date that is one year after the date on which all Commission members have been confirmed by the Senate, the Commission shall submit a report simultaneously to each House of Congress detailing the activities of the Commission for the previous year, and listing all rules and sets of rules classified under subsection (h) during that year. For each rule or set of rules so listed, the Commission shall—

(A) identify the agency that made the rule or set of rules;

(B) identify the annual cost of the rule or set of rules to the United States economy and the basis upon which the Commission identified that cost;

(C) identify whether the rule or set of rules was classified under clause (i) or clause (ii) of subsection (h)(4)(A);

(D) identify the criteria under subsection (h)(2) that caused the classification of the rule or set of rules and the basis upon which the Commission determined that those criteria were met;

(E) for each rule or set of rules listed under the criteria set forth in subparagraphs (B), (D), (F), (G), or (H) of subsection (h)(2), or other criteria established by the Commission under subparagraph (I) of such subsection under which the Commission evaluated alternatives to the rule or set of rules that could lead to lower regulatory costs, identify alternatives to the rule or set of rules that the Commission recommends the agency consider as replacements for the rule or set of rules and the basis on which the Commission rests the recommendations, and, in identifying such alternatives, emphasize alternatives that will achieve regulatory effectiveness at the lowest cost and with the lowest adverse impacts on jobs;

(F) for each rule or set of rules listed under the criteria set forth in subsection (h)(2)(E), the other Federal, State, or local governmental rules that the Commission found the rule or set of rules to overlap, duplicate, or conflict with, and the basis for the findings of the Commission; and

(G) in the case of each set of rules so listed, analyze whether Congress should also consider repeal of the statutory authority implemented by the set of rules.

(3) FINAL REPORT.—Not later than the date on which the Commission members' appointments expire, the Commission shall submit a final report simultaneously to each House of Congress summarizing all activities and recommendations of the Commission, including a list of all rules or sets of rules the Commission classified under clause (i) of subsection (h)(4)(A) for immediate action to repeal, a separate list of all rules or sets of rules the Commission classified under clause (ii) of subsection (h)(4)(A) for repeal, and with regard to each rule or set of rules listed on either list, the information described in subparagraphs (A) through (F) of subsection (h)(2). This report may be included in the final annual report of the Commission under paragraph (2) and may include the Commission's recommendation whether the Commission should be reauthorized by Congress.

(j) REPEAL OF REGULATIONS; CONGRESSIONAL CONSIDERATION OF COMMISSION REPORTS.—

(1) IN GENERAL.—Subject to paragraph (2)—

(A) the head of each agency with authority to repeal a rule or set of rules classified by the Commission under subsection (h)(4)(A)(i) for immediate action to repeal and newly listed as such in an annual or final report of the Commission under paragraph (2) or (3) of subsection (i) shall repeal the rule or set of rules as recommended by the Commission within 60 days after the enactment of a joint resolution under paragraph (2) for approval of the recommendations of the Commission in the report; and

(B) the head of each agency with authority to repeal a rule or set of rules classified by the Commission under subsection (h)(4)(A)(ii) for repeal and newly listed as such in an annual or final report of the Commission under paragraph (2) or (3) of subsection (i) shall repeal the rule or set of rules as recommended by the Commission pursuant to section 201, following the enactment of a joint resolution under paragraph (2) for approval of the recommendations of the Commission in the report.

(2) CONGRESSIONAL APPROVAL.—

(A) IN GENERAL.—No head of an agency described in paragraph (1) shall be required by this Act to carry out a repeal listed by the Commission in a report transmitted to Congress under paragraph (2) or (3) of subsection (i) until a joint resolution is enacted, in accordance with the provisions of subparagraph (B), approving such recommendations of the Commission for repeal.

(B) TERMS OF THE RESOLUTION.—For purposes of paragraph (A), the term ''joint resolution'' means only a joint resolution which is introduced after the date on which the Commission transmits to the Congress under paragraph (2) or (3) of subsection (i) the report containing the recommendations to which the resolution pertains, and—

(i) which does not have a preamble;

(ii) the matter after the resolving clause of which is only as follows: ''That Congress approves the recommendations for repeal of the Retrospective Regulatory Review Commission as submitted by the Commission on _____'', the blank space being filled in with the appropriate date; and

(iii) the title of which is as follows: ''Approving recommendations for repeal of the Retrospective Regulatory Review Commission.''.

(3) REISSUANCE OF RULES.—

(A) NO SUBSTANTIALLY SIMILAR RULE TO BE REISSUED.—A rule that is repealed under paragraph (1) or section 201 may not be reissued in substantially the same form, and a new rule that is substantially the same as such a rule may not be issued, unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution approving the Commission's recommendation to repeal the original rule.

(B) AGENCY TO ENSURE AVOIDANCE OF SIMILAR DEFECTS.—An agency, in making any new rule to implement statutory authority previously implemented by a rule repealed under paragraph (1) or section 201, shall ensure that the new rule does not result in the same adverse effects of the repealed rule that caused the Commission to recommend to Congress the latter's repeal and will not result in new adverse effects of the kind described in the criteria specified in or under subsection (h).

(k) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to the Commission to carry out this Act, not to exceed $30,000,000.

(2) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until the earlier of the date that such sums are expended or the date of the termination of the Commission.

(l) WEBSITE.—

(1) IN GENERAL.—The Commission shall establish a public website that—

(A) uses current information technology to make records available on the website;

(B) provides information in a standard data format; and

(C) receives and publishes public comments.

(2) PUBLISHING OF INFORMATION.—Any information required to be made available on the website established pursuant to this Act shall be published in a timely manner and shall be accessible by the public on the website at no cost.

(3) RECORD OF PUBLIC MEETINGS AND HEARINGS.—All records of public meetings and hearings shall be published on the website as soon as possible, but not later than 1 week after the date on which such public meeting or hearing occurred.

(4) PUBLIC COMMENTS.—The Commission shall publish on the website all public comments and submissions.

(5) NOTICES.—The Commission shall publish on the website notices of all public meetings and hearings at least one week before the date on which such public meeting or hearing occurs.

(m) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—

(1) IN GENERAL.—Except as otherwise provided in this Act, the Commission shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(2) ADVISORY COMMITTEE MANAGEMENT OFFICER.—The Commission shall not be subject to the control of any Advisory Committee Management Officer designated under section 8(b)(1) of the Federal Advisory Committee Act (5 U.S.C. App.).

(3) SUBCOMMITTEE.—Any subcommittee of the Commission shall be treated as the Commission for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).

(4) CHARTER.—The enactment of the SCRUB Act of 2015 shall be considered to meet the requirements of the Commission under section 9(c) of the Federal Advisory Committee Act (5 U.S.C. App.).

TITLE II—REGULATORY CUT-GO

SEC. 201. CUT-GO PROCEDURES.

(a) IN GENERAL.—Except as provided in section 101(j)(2)(A) or section 202, an agency, when the agency makes a new rule, shall repeal rules or sets of rules of that agency classified by the Commission under section 101(h)(4)(A)(ii), such that the annual costs of the new rule to the United States economy is offset by such repeals, in an amount equal to or greater than the cost of the new rule, based on the regulatory cost reductions of repeal identified by the Commission.

(b) ALTERNATIVE PROCEDURE.—An agency may, alternatively, repeal rules or sets of rules of that agency classified by the Commission under section 101(h)(4)(A)(ii) prior to the time specified in subsection (a). If the agency so repeals such a rule or set of rules and thereby reduces the annual, inflation-adjusted cost of the rule or set of rules to the United States economy, the agency may thereafter apply the reduction in regulatory costs, based on the regulatory cost reductions of repeal identified by the Commission, to meet, in whole or in part, the regulatory cost reduction required under subsection (a) of this section to be made at the time the agency promulgates a new rule.

(c) ACHIEVEMENT OF FULL NET COST REDUCTIONS.—

(1) IN GENERAL.—Subject to the provisions of paragraph (2), an agency may offset the costs of a new rule or set of rules by repealing a rule or set of rules listed by the Commission under section 101(h)(4)(A)(ii) that implement the same statutory authority as the new rule or set of rules.

(2) LIMITATION.—When using the authority provided in paragraph (1), the agency must achieve a net reduction in costs imposed by the agency's body of rules (including the new rule or set of rules) that is equal to or greater than the cost of the new rule or set of rules to be promulgated, including, whenever necessary, by repealing additional rules of the agency listed by the Commission under section 101(h)(4)(A)(ii).

SEC. 202. APPLICABILITY.

An agency shall no longer be subject to the requirements of sections 201 and 203 beginning on the date that there is no rule or set of rules of the agency classified by the Commission under section 101(h)(4)(A)(ii) that has not been repealed such that all regulatory cost reductions identified by the Commission to be achievable through repeal have been achieved.

SEC. 203. OIRA CERTIFICATION OF COST CALCULATIONS.

The Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget shall review and certify the accuracy of agency determinations of the costs of new rules under section 201. The certification shall be included in the administrative record of the relevant rulemaking by the agency promulgating the rule, and the Administrator shall transmit a copy of the certification to Congress when it transmits the certification to the agency.

TITLE III—RETROSPECTIVE REVIEW OF NEW RULES

SEC. 301. PLAN FOR FUTURE REVIEW.

When an agency makes a rule, the agency shall include in the final issuance of such rule a plan for the review of such rule by not later than 10 years after the date such rule is made. Such a review, in the case of a major rule, shall be substantially similar to the review by the Commission under section 101(h). In the case of a rule other than a major rule, the agency's plan for review shall include other procedures and standards to enable the agency to determine whether to repeal or amend the rule to eliminate unnecessary regulatory costs to the economy. Whenever feasible, the agency shall include a proposed plan for review of a proposed rule in its notice of proposed rulemaking and shall receive public comment on the plan.

TITLE IV—JUDICIAL REVIEW

SEC. 401. JUDICIAL REVIEW.

(a) IMMEDIATE REPEALS.—Agency compliance with section 101(j) of this Act shall be subject to judicial review under chapter 7 of title 5, United States Code.

(b) CUT-GO PROCEDURES.—Agency compliance with title II of this Act shall be subject to judicial review under chapter 7 of title 5, United States Code.

(c) PLANS FOR FUTURE REVIEW.—Agency compliance with section 301 shall be subject to judicial review under chapter 7 of title 5, United States Code.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. DEFINITIONS.

In this Act:

(1) AGENCY.—The term ''agency'' has the meaning given such term in section 551 of title 5, United States Code.

(2) COMMISSION.—The term ''Commission'' means the Retrospective Regulatory Review Commission established under section 101.

(3) MAJOR RULE.—The term ''major rule'' means any rule that the Administrator of the Office of Information and Regulatory Affairs determines is likely to impose—

(A) an annual cost on the economy of $100,000,000 or more, adjusted annually for inflation;

(B) a major increase in costs or prices for consumers, individual industries, Federal, State, local, or tribal government agencies, or geographic regions;

(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

(D) significant impacts on multiple sectors of the economy.

(4) RULE.—The term ''rule'' has the meaning given that term in section 551 of title 5, United States Code.

(5) SET OF RULES.—The term ''set of rules'' means a set of rules that collectively implements a regulatory authority of an agency.

SEC. 502. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect beginning on the date of the enactment of this Act.

The CHAIR. No amendment to the bill shall be in order except those printed in part B of House Report 114–388. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. FOXX

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 114–388.

Ms. FOXX. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 10, line 13, insert after ''paperwork burdens'' the following ''or unfunded mandates''.

Page 11, line 12, insert after ''enforcement'' the following: '', imposition of unfunded mandates,''.

Page 12, line 9, insert after '' excessive compliance costs'' the following: '', imposes unfunded mandates,''.

Page 25, insert after line 4 the following:

(n) DEFINITION.—In this section, the term ''unfunded mandate'' has the meaning given the term ''Federal mandate'' in section 421(6) of the Congressional Budget Act of 1974 (2 U.S.C. 658(6)).

The CHAIR. Pursuant to House Resolution 580, the gentlewoman from North Carolina (Ms. FOXX) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Ms. FOXX. Mr. Chairman, this amendment is relatively simple in that it adds consideration of unfunded mandates to the Commission's review of existing rules.

Each year, Washington imposes thousands of rules and regulations. Rather than following the rules themselves and asking for funds for new programs, regulators pass the cost along to others by requiring the private sector, as well as State and local governments, to pay for new Federal initiatives through compliance costs.

□ 1900

These costly mandates make it harder for companies to hire and for cash-strapped States, counties, and cities to keep streets safe and parks clean.

My amendment asks the commission to consider in its review whether unfunded mandates imposed in existing regulations are economically defensible and the least burdensome policy option available.

Federal agencies often advance Federal Government initiatives without using Federal taxpayer dollars by imposing regulations on local governments or the private sector. This simple amendment ensures that costs passed to State and local governments or to the private sector are both necessary and minimal.

I reserve the balance of my time.

Mr. CUMMINGS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Maryland is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Chairman, I yield myself such time as I may consume.

This amendment does nothing to address the fundamental flaws in the underlying legislation. This amendment would simply add unfunded mandates as another basis for the commission to prioritize the review of certain rules. The underlying legislation contains no exceptions for rules, no matter how important.

The commission the bill creates could recommend the repeal of rules

such as the ones the Bureau of Alcohol, Tobacco, Firearms and Explosives finalized this week that strengthen background check requirements for buying firearms. Such important public safety rules could be jeopardized by this bill.

I oppose the underlying bill, and I oppose this amendment, which does not improve the bill.

Mr. Chairman, I reserve the balance of my time.

Ms. FOXX. Mr. Chairman, I yield 90 seconds to the gentleman from Indiana (Mr. MESSER).

Mr. MESSER. I thank the gentlewoman for yielding and for offering this important amendment.

Mr. Chairman, this amendment will ensure that costly, unfunded mandates are given full consideration by the commission established by this underlying bill.

Over the past 10 years, unelected bureaucrats in Washington have issued over 36,000 new regulations. Think about that. Over the past 10 years, unelected bureaucrats have issued over 36,000 new regulations. That is a lot. Each of these shift the costs and burdens of this administration's Big Government agenda onto the backs of everyday working people, small businesses, and local governments.

These unfunded mandates cost jobs, hurt working Americans, and place ankle weights on the U.S. economy. It is past time to slow down this runaway train. I urge my colleagues to support the Foxx amendment and the underlying bill.

Mr. CUMMINGS. Mr. Chairman, in closing, I oppose this amendment.

I yield back the balance of my time.

Ms. FOXX. Mr. Chairman, in response to my colleague from Maryland, let me say that unfunded mandates take many forms that may not be included when regulatory costs are counted. That is why strong, bipartisan majorities in the House and Senate passed the Unfunded Mandates Reform Act in 1995.

Similarly, my amendment ensures that costs passed from Federal agencies to State and local governments and private businesses are properly counted and considered. If mandates under review are economically defensible and represent the best policy option available, then the commission will not recommend they be repealed.

The issue of unfunded mandates is frequently overlooked in the debates about reforming our regulatory system and carrying out Federal policies. It is all too easy for Washington bureaucrats to write off concerns expressed by a handful of local governments or of a small subset of private businesses, but these decisions have real costs and real effects on the individuals, families, and communities we each represent.

While my amendment is a small change, it ensures that costs passed down to businesses and to State and local governments are truly the best means to achieve desired policy ends; so I thank my colleagues for their consideration and ask for their support.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. SCHWEIKERT

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 114–388.

Mr. SCHWEIKERT. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 13, insert after line 12 the following:

(I) Whether or not the rule or set of rules limits or prevents an agency from applying new or emerging technologies to improve efficiency and effectiveness of government.

Page 13, line 13, strike ''(I)'' and insert ''(J)''.

Page 17, line 24, strike ''(G), or (H)'' and insert ''(G), (H), or (I)''.

The CHAIR. Pursuant to House Resolution 580, the gentleman from Arizona (Mr. SCHWEIKERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. SCHWEIKERT. Mr. Chairman, this is one of those occasions in which we walk up to the mike, and we always say it is a simple amendment. This one really is a simple amendment. Many of us here, particularly myself, have a fixation on information and technology as a dramatically more efficient, safe, and healthy way to regulate. So, if you are going to have a commission looking at agencies, looking at the levels of regulations, looking at the mechanics out there, can it also take a look and make sure it has adopted the most technically appropriate and efficient technology for that regulation?

A couple of years ago, when sitting on the Committee on Science, Space, and Technology, a division of the EPA and these businesses came in, and they brought in stacks of paper that they had to fill out and fax in. Okay. It is absurd in today's world, but that is the way the regs they were up against were written. If you are going to have a commission looking at what is wrong out there, at what can be made more efficient, and at what is inappropriately burdensome, let's also take a look and ask: What can actually be made less burdensome through the use of technology?

Mr. Chairman, I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in opposition to this amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Chairman, this amendment establishes additional criteria for the commission's one-sided review of all Federal regulations, authorizing it to identify rules for repeal that may limit or prohibit agencies from adopting technology to improve efficiency and effectiveness in order to lower regulatory costs.

Although this criteria, itself, may be unobjectionable on its face, it does nothing to change the commission's cost-only, deregulatory, and dangerous mandate under title I of H.R. 1155. Furthermore, rather than allowing agencies to modify or improve existing rules to accommodate for technological changes, this amendment would only create a basis for eliminating rules.

For instance, this amendment would authorize the commission to identify for elimination a rule protecting workers against discrimination, regardless of the rule's benefits, if the costs associated with the rule could be mitigated by adopting new technologies to improve efficiency. In other words, no matter how important and beneficial a rule prohibiting discrimination may be, it could be eliminated if the commission determines that it somehow encumbers agency efficiency. That is laughable.

As the administration notes in its Statement of Administration Policy, which threatens to veto this bill should it reach the President's desk, this bill lacks any ''mechanism for making thoughtful and modest modifications to rules to improve their implementation and enforcement,'' which is often the best course of action before we scuttle a rule or as we try to make the regulation work. Accordingly, I must oppose this amendment.

I yield back the balance of my time.

Mr. SCHWEIKERT. Mr. Chairman, may I quickly inquire as to the time remaining.

The CHAIR. The gentleman from Arizona has 3½ minutes remaining.

Mr. SCHWEIKERT. Mr. Chairman, let's try something that is, actually, fairly novel around here because, in this particular case, this is just a few words. Let's actually read it: ''Whether or not the rule or set of rules limits or prevents an agency from applying new or emerging technologies to improve efficiency and effectiveness of government.''

Oh, come on. How do you oppose that? I understand you may not like the bill, itself, but as an amendment, if we are really trying to push our government into this century of utilization of information and technology, you would at least like this amendment.

Look, this is simple. This is actually something we should be weaving in and out of what we do here in order to try to drive the use of technology and information to make us more efficient and more respectful of our taxpayers. As to the quality of information, how do you even know that the way a regulation is being done is actually being done in the most efficient, technologically sound, and rational way? I believe the simple language here helps drive the commission to actually reflect that.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. SCHWEIKERT).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. WALBERG

The CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 114–388.

Mr. WALBERG. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 13, insert after line 12 the following:

(I) Whether the rule or set of rules harms wage growth, including wage growth for minimum wage and part-time workers.

Page 13, line 13, strike ''(I)'' and insert ''(J)''.

The CHAIR. Pursuant to House Resolution 580, the gentleman from Michigan (Mr. WALBERG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. WALBERG. Mr. Chairman, I rise to offer an amendment that will give us greater insight into the impact of Federal regulations on the wages of American workers.

We already know from countless studies that the accumulation of regulations increases the cost of goods, which reduces the buying power of families and individuals to purchase the items they need and want. An area that we need to study more, though, is what impact regulations have on the wages of most Americans. Given the negative impacts of regulations on prices, it is reasonable to conclude that regulations could be a major contributing factor to flattening wages, especially—and I say this clearly—for lower income individuals.

According to the U.S. Census, the median wage in the U.S. is the same today as it was in 2007. That is 8 years of no income gain for families and workers in Michigan and across the country. The University of California's economists have also found that, since 2009, the average income of the top 1 percent grew by 11.2 percent in real terms while the bottom 99 percent saw their incomes decrease by 0.4 percent. During that same time, there have been over $100 billion in new regulatory costs, according to the Mercatus Center.

Many employers I speak to would rather hire more workers or give their current staffs a raise. Instead, they are forced to spend limited resources on making sense of the thousands of pages of new regulations that are coming out of Washington. Employers are spending more on compliance than ever before, leaving little left in their budgets to increase the take-home pay of employees.

Some of my colleagues here in Congress believe that more bureaucratic red tape and mandates from the Federal Government will actually increase wages and reduce inequality. While these regulations may sound good in theory—some of them—the hard truth is that, over time, they limit economic growth and career advancement opportunities. Most alarming is that these negative economic impacts affect lower wage workers the very most—immobilizing them from finding work, from rising in their careers, and from increasing their wages.

□ 1915

Fortunately, the SCRUB Act is an innovative approach; and I commend its sponsor, Representative JASON SMITH, for his work.

My amendment, Mr. Chairman, will enhance this important bill by instructing the commission to review the impact of regulation on wages as part of their retrospective review.

I encourage all my colleagues to support my amendment and the bill so we can unleash individuals and industry from regulatory burdens and create an environment where wages and economy can grow for everyone.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. SCOTT of Virginia. Mr. Chairman, I rise today to point out some serious concerns about the amendment offered by the gentleman from Michigan, which would direct the commission to examine the role that regulations have on wage stagnation and income inequality by examining the negative impact regulations have on wages.

It is my belief that this amendment is based on the false premise that all regulations have some negative impact on workers and their wages. It should be clear that this one-sentence amendment does not encompass the full story about the critical impact that workplace regulations can have on improving the health, safety, and income of workers.

For example, the rules and regulations that have been offered and put into effect by the Department of Labor under this administration have improved worker safety, increased workplace opportunity, and increased wages. The benefits are indisputable and far outweigh the costs. For example, the home care workers rule would extend overtime and minimum wage protection to 2 million home care workers. The proposed overtime rule would extend overtime pay protections for more than 5 million American workers who currently would be putting in dozens of overtime hours for no extra pay at all.

Now, Mr. Chairman, I am pleased to note that the description of this amendment shows an apparent concern for the problems that working families face, and the gentleman from Michigan has talked very extensively about it: wage stagnation and income inequality. If that is what we are going to address, there are ways of addressing it.

For example, we could bring to the floor for a vote the Raise the Wage Act, which would increase the minimum wage to $12 an hour by 2020 and would give over 30 million Americans a raise.

We could support the Department of Labor's proposed rule that increases the overtime salary threshold, which would update the overtime rule to ensure that 5 million more Americans would be eligible to earn overtime for hours worked over 40 hours a week. Since the 1970s, worker output has increased by 74 percent, while the hourly compensation of the typical worker has only increased 9 percent. Workers simply aren't receiving a fair share of the wealth they create, and the overtime rule would help address this disparity.

We could cosponsor the WAGE Act that would protect hardworking Americans' fundamental right to join together and bargain for better wages. To date, 67 House Democrats support the Workplace Action for a Growing Economy, the WAGE Act, legislation that would strengthen protections for workers who want to raise wages and improve workplace conditions.

Mr. Chairman, I urge my colleagues to support these alternatives, but to oppose this amendment.

I yield back the balance of my time.

Mr. WALBERG. Mr. Chairman, I appreciate the concerns expressed by the ranking member of the House Education and the Workforce Committee, my friend from Virginia. I appreciate the fact he sits in on all of our Workforce Protections Subcommittee hearings that I have the privilege of chairing.

We have looked at regulatory changes that the gentleman speaks to. He, as well as the rest of my colleagues on that subcommittee, have heard very clear testimony that while they are based on wonderful desires, we all want safe workplaces, we all want people making better pay, having better benefits, living wages. Yet, all of those come with costs, and, in fact, basically every one of those regulatory ideas would cost jobs and job security. I have seen that very clearly with several of those in the great State of Michigan as they have been implemented.

Mr. Chairman, we should have commonsense, effective regulations that truly punish bad actors, but regulations cannot come at the overwhelming costs we are seeing now with anemic growth and stagnant wages. Sadly, we don't know how much wages have truly been hit by these regulations, which is why my amendment is needed.

I ask for support for this amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. WALBERG).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR (Mr. MOOLENAAR). It is now in order to consider amendment No. 4 printed in part B of House Report 114–388.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in support of my amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Beginning on page 25, strike line 5, and all that follows through page 27, line 13.

The Acting CHAIR. Pursuant to House Resolution 580, the gentleman from Georgia (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chairman, my amendment would strike title II of H.R. 1155, which would require agencies to undertake a regulatory CutGo process to repeal rules identified by the commission with little to no consideration of the rules' benefits prior to issuing the new rule.

These regulatory CutGo provisions would apply to every new agency rule, no matter how important or pressing, for every regulatory agency. Alarmingly, title II would also require agencies to undertake a notice and comment process for all rules eliminated through CutGo because, as I noted earlier, agencies are unable to simply rescind the rules. Thus, this bill would substantially delay or even prevent new regulations through this burdensome and time-consuming requirement.

As several of my colleagues' amendments demonstrate, the bill's regulatory CutGo procedures are unsafe, dangerous, and would tie the hands of agencies responding to public health crises requiring timely regulatory responses. In fact, this bill lacks any mechanism for consideration of public policy and safety, which would leave no option for agencies to issue emergency rules to protect the public and environment from imminent harm.

The bill's proponents claim that title I of H.R. 1155 would allow the commission to consider whether the costs of the bill are not justified by the benefit to society. As Professor Levin testified during the subcommittee's consideration of a previous version of this bill, the catchall language of subsection (h)(2)(I) would allow the commission to recommend the repeal of ''any rule promulgated by any agency if it deems the rule's requirements to be unnecessarily burdensome.'' In short, the commission would be completely free to disregard any benefit of the regulation by proceeding under this language or the bill's other advisory language.

Furthermore, H.R. 1155 is silent on what methodology the commission must follow, requiring only that it must have one, which leaves the window wide open for absolutely no consideration of the benefits of regulation.

While consideration of the cost of regulations is sometimes important, there is overwhelming consensus that the benefits of regulation vastly exceed the costs. In both the Republican and Democratic administrations, the benefits of our regulatory system of regulatory protections have made our country safer, stronger, healthier, and cleaner.

The nonpartisan Government Accountability Office has observed that these benefits ''include, among other things, ensuring that workplaces, air travel, foods, and drugs are safe; that the Nation's air, water, and land are not polluted; and that the appropriate amount of taxes is collected.''

The GAO reported in 2007 that while ''the costs of these regulations are estimated to be in the hundreds of billions of dollars, the benefits estimates are even higher.'' In 2012, the Office of Management and Budget likewise concluded that even by conservative estimates, the benefits of major regulations exceeded the costs on a 2-to-1 basis over the past decade. Between fiscal years 1999 and 2009, the benefits of regulations produced a net benefit of $73 billion, vastly exceeding the regulations' costs.

This evidence overwhelmingly refutes the bald assertion that regulatory costs are burdensome, eliminate jobs, or harm our economic competitiveness.

I urge my colleagues to support my amendment, to oppose this misguided bill.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Utah is recognized for 5 minutes.

Mr. CHAFFETZ. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. MARINO).

Mr. MARINO. Mr. Chairman, I rise in opposition to the amendment.

Title II of the bill contains one of the bill's most important innovations, a CutGo process for the repeal of regulations Congress approves for repeal.

This process is modeled on the CutGo process pioneered in Congress itself to control Federal spending. By allowing regulatory repeals to occur on a CutGo basis, the bill both stabilizes total Federal regulatory costs and avoids forcing all repeals to occur immediately. This creates the opportunity for regulatory agencies applying their expertise and working with the entities they regulate to administer a smoother process of regulatory repeal with ample opportunities to prioritize the order of repeals and cooperatively consider any needed replacement regulations.

The CutGo process also avoids one of the major flaws of the regulatory lookback process applied under executive order by the Obama administration. Although the process has resulted in some cost reductions under individual regulations, the net result of the process has been an alarming increase in total costs imposed by all Federal regulations. That is a giant step backwards, and it is a result the SCRUB Act's CutGo provisions will emphatically prevent.

I would like to say for the record, a report by the National Association of Manufacturers states that the total cost of Federal regulation in 2012 was $2.028 trillion. The annual cost burden for an average U.S. firm is $233,000, or 21 percent of the average payroll. With that kind of number, no wonder we have the problems that we have. Listen to this figure: A small manufacturer with fewer than 50 employees will pay an estimated close to $35,000 per employee per year to comply with Federal regulations.

I urge my colleagues to oppose the amendment.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, I yield myself such time as I may consume.

I simply want to say that I concur with the gentleman from Pennsylvania who has studied this and spent a considerable amount of time with this.

We would urge a ''no'' vote on this amendment. This amendment removes title II of the bill, which is one of the bill's truly most important provisions.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. JOHNSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. JOHNSON of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

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AMENDMENT NO. 5 OFFERED BY MR. CUMMINGS

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 114–388.

Mr. CUMMINGS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike title IV.

The Acting CHAIR. Pursuant to House Resolution 580, the gentleman from Maryland (Mr. CUMMINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. CUMMINGS. Mr. Chairman, I yield myself such time as I may consume.

My amendment, which is cosponsored by the Subcommittee on Government Operations' Ranking Member GERRY CONNOLLY, would strike title IV of this bill.

Title IV provides for judicial review of agency compliance with certain requirements of the bill, including regulatory CutGo procedures.

The agency rulemaking process already provides interested parties with ample opportunity for participation.

When an industry or special interest does not like the result of the rulemaking process, this bill gives them another bite at the apple.

Judicial review provides opponents of rules with the opportunity to delay regulations by tying them up in court. No rules would be exempt.

Corporate and special interests with deep pockets could use judicial review to delay critical regulations that would protect public health, safety, and the environment.

Let me give you an example. In August of last year, the EPA finalized its Clean Power Plan rules. According to EPA, by 2030, the plan will cut carbon pollution from the power sector by nearly a third, yielding substantial health benefits to Americans.

EPA estimates that, because of these regulations, Americans will avoid 90,000 asthma attacks and save 3,600 lives.

These important rules were developed with industry and public input. EPA states that it received 4.3 million public comments and held hundreds of meetings with stakeholders. The final rules reflect this vigorous process.

However, if the SCRUB Act were enacted, industry or special interests could use the judicial review provisions to stall important rules like the Clean Power Plan.

The judicial review provisions of this bill are yet another attempt by the House Republicans to erect a roadblock for important public health and safety protections.

This amendment removes this flawed provision from the underlying bill.

I urge my colleagues to adopt this amendment.

Mr. Chair, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Utah is recognized for 5 minutes.

Mr. CHAFFETZ. Mr. Chair, I yield 3 minutes to the gentleman from Pennsylvania (Mr. MARINO).

Mr. MARINO. Mr. Chairman, I respectfully rise in opposition to the amendment.

The amendment strikes the bill's title providing for judicial review of agency compliance with requirements for repeal of existing rules and publication of plans for decennial review of newly promulgated rules.

These provisions must be retained, not stricken. They are critical to ensure that recalcitrant agencies abide by Congress' approvals of rules for repeal and actually do plan for effective, decennial cost-reduction reviews for newly promulgated regulations.

We know that, without provision for judicial review, retrospective review of agency regulations can lead to nothing but increases in the overall cost of regulation.

Just look at the results of the Obama administration's retrospective review under Executive Order 13563, which precluded judicial review.

I urge my colleagues to oppose the amendment.

Mr. CHAFFETZ. Mr. Chairman, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Chairman, I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, I yield myself such time as I may consume.

I again concur with the gentleman from Pennsylvania (Mr. MARINO). This amendment strikes the applicability of judicial review of agency compliance with this legislation. That is why I am urging a ''no'' vote on this amendment.

The legislation will begin a much-needed review of our Nation's regulatory structure and hopefully identify many outdated regulations. This amendment gets in the way of that. I think it would slow this process down. It gets rid of something that, again, makes it an alteration that I think has been well debated and well discussed.

I urge the passage of the overall bill, but I stand in opposition to this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. CUMMINGS).

The amendment was rejected.

AMENDMENT NO. 6 OFFERED BY MR. CUMMINGS

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 114–388.

Mr. CUMMINGS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 28, line 22, insert before the period the following: '', except that the term does not include an independent establishment as defined in section 104 of such title''.

The Acting CHAIR. Pursuant to House Resolution 580, the gentleman from Maryland (Mr. CUMMINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. CUMMINGS. Mr. Chairman, I yield myself such time as I may consume.

My amendment, cosponsored by Subcommittee on Government Operations' Ranking Member GERRY CONNOLLY, would exempt independent agencies from the requirements of this bill.

Independent agencies serve an important role in protecting the American people from a range of threats, including the collapse of our financial markets and health and safety risks.

Agencies such as the Consumer Financial Protection Bureau, the Securities and Exchange Commission, and the Consumer Product Safety Commission are designed to independently regulate the industries they cover.

These agencies are not required to obtain approval for their rules from the Office of Information and Regulatory Affairs, as other executive branch agencies must do. The reason independent agencies are treated differently is to protect them from political interference in their rulemaking.

The SCRUB Act would jeopardize the independence of these agencies by subjecting their rules to oversight by the Office of Information and Regulatory Affairs.

Section 203 of the SCRUB Act would require OIRA to review and certify the cost estimate for every new rule promulgated by an independent agency. This bill would also require independent agencies to comply with the bill's regulatory CutGo requirements.

For example, the Consumer Product Safety Commission has a proposed rule that would establish safety standards for infant high chairs. How would the Commission choose which unsafe product to stop regulating in order to protect the approximately 10,000 children injured each year by unsafe high chairs?

The Commission recently wrote a rule creating the strongest crib safety standards in the developed world. Would they have to repeal that rule? Under our amendment, independent agencies would not have to make this choice.

Bank regulators are already subject to the Economic Growth and Regulatory Paperwork Reduction Act of 1996, which requires them to review all existing banking regulations and ''eliminate unnecessary regulations.''

The bank regulators are already required by law to remove all outdated, unnecessary, and overly burdensome regulations. They cannot save up outdated regulations for the purpose of promulgating new rules under the SCRUB Act, like other agencies.

This bill would handcuff our bank regulators and make financial crises and the recessions that follow that much more likely.

I urge my colleagues to support this amendment to keep the independent agencies truly independent.

Mr. Chairman, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Utah is recognized for 5 minutes.

Mr. CHAFFETZ. I yield myself such time as I may consume.

Mr. Chairman, we are not proposing to hurt or kill babies, and we are not proposing to put handcuffs on certain regulators in the financial institutions.

What we are asking for is to simply have a bipartisan group of people—bipartisan—look at regulations that may be outdated and scrub them. I think that is a reasonable expectation. That is not asking too much.

It doesn't mean that every regulation is going to go away. There are some good regulations, but there are a lot of bad ones and there are a lot that are outdated. Things come into this institution, whether they come in through laws or they come from the executive branch. They never go away. A lot of them are unnecessary.

The bill creates a bipartisan, impartial commission to conduct a comprehensive review of the Federal regulations system. The commission will identify out-of-date and expensive regulations.

Independent agencies function very similarly, if not the same, as executive agencies, and the regulations impose significant costs on the economy. Unfortunately, independent agencies often impose major regulations without reporting any quantitative information on benefits and costs, which makes it even more important that those regulations be reviewed.

Mr. Chairman, there is no need to distinguish independent and executive agencies in requiring the Federal agencies to clean up out-of-date and unnecessary regulations.

A regulation identified as unnecessary remains unnecessary regardless of whether it came from an independent agency or an executive branch agency. It doesn't matter. It should be reviewed or be eligible to be reviewed. We think that is reasonable, and that is why we would urge a ''no'' vote on this particular amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Chairman, I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. CUMMINGS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CUMMINGS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maryland will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. CICILLINE

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 114–388.

Mr. CICILLINE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 29, line 21, insert after ''Code'' the following: '', except for a special rule''.

Page 29, insert after line 24 the following:

(6) SPECIAL RULE.—The term ''special rule'' means a rule made by the Secretary of Veterans Affairs.

The Acting CHAIR. Pursuant to House Resolution 580, the gentleman from Rhode Island (Mr. CICILLINE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. CICILLINE. Mr. Chairman, I yield myself such time as I may consume.

My amendment to H.R. 1155 would exempt rules and regulations made by the Department of Veterans Affairs from the burdensome provisions of this legislation.

The rules that are promulgated by the Department of Veterans Affairs serve the nearly 21.9 million veterans who have served our country, more than 9 million of whom are enrolled in the VA health system.

These are the rules that will improve the VA, and these improvements are urgently needed to repair a system that is poorly equipped to handle the increasing numbers of veterans returning from overseas. These are the rules that will ensure that those who have served our country have access to critical and quality health care.

However, in its current form, the SCRUB Act would delay or even block the implementation of these rules. For example, it would delay rules designed to provide care to the 2.6 million veterans who were potentially exposed to Agent Orange during the Vietnam war.

To help these veterans, the VA issued a final interim rule in June of 2015 that would expand the class of veterans presumed to be eligible for treatment. The new regulation would include those who worked with C–123 aircraft known to have been sprayed with this herbicide during the war.

But under the terms of this legislation, the VA would be required to go through additional hurdles to meet the procedural requirements of this legislation with absolutely no additional benefits. If this rule comes with any cost to the economy, the VA must repeal a rule of equal or greater cost. All of this means delays for our veterans who deserve better.

In effect, the SCRUB Act asks the VA to choose between classes of ailing veterans. It would delay treatment and create a zero-sum game in which our veterans ultimately lose. This is completely wrong. It would delay essential reforms to improve the system, address existing flaws, and better serve our veterans.

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The problems that have plagued the system have been well-documented both in congressional hearings and in the press.

Since the year 2000, at least 22 government reports have looked into patient wait times at VA facilities. One of these reports found that more than 57,000 of our veterans have waited longer than 90 days for health care. The audit found that staff were instructed to misrepresent data in 76 percent of VA facilities.

The VA is in need of immediate attention and reform, and we are doing a disservice to our veterans by delaying these reforms and the rules that are necessary to accomplish these reforms.

The SCRUB Act is based upon the faulty idea that it is more important to cut regulations than it is to move forward to improve care for our veterans.

While my amendment will not cure all that ails this legislation, it will address one of the most glaring flaws and preserve the ability of the VA to effectively serve our veterans by ensuring that these reforms move forward without delay.

So I ask my colleagues to support my amendment.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, I rise in opposition.

The Acting CHAIR. The gentleman from Utah is recognized for 5 minutes.

Mr. CHAFFETZ. Mr. Chairman, this amendment indicates a fundamental misunderstanding of the purpose and the function of the bill. The SCRUB Act merely clears the underbrush of outdated and unnecessary regulations.

There is no reason to exclude any specific agency from retrospective review. A regulation identified as unnecessary remains unnecessary, regardless of its subject matter or agency that originally issued it.

I am sure that there are regulations that were issued in the 1920s, 1930s, or 1940s—pick your decade—that were well-intended, but the world has changed, and I think it is time that we actually go and review this.

In the case of this amendment, it could disadvantage veterans who are likely to bear the burden of unnecessary regulations. So with all the laws and all the regulations, guess what. The Veterans Administration isn't getting it done.

So let's clear the underbrush of regulations. Let's work in a bipartisan way to fix the Veterans Administration. But it is not unreasonable to ask for a bipartisan group of people to go in and look at this and study this and make these types of recommendations. I think that is reasonable, it is balanced, and it is not going to harm veterans. In fact, I think it is actually going to help veterans. I think it is going to help an administration and a bureaucracy that is so bloated, once things get in, they never come out. That is what we are trying to change, and that is why I think this amendment is unnecessary and counterproductive, and I urge a ''no'' vote.

I reserve the balance of my time.

Mr. CICILLINE. Mr. Chairman, I yield myself such time as I may consume.

Just to respond briefly, we have heard a lot about clearing the underbrush and about scrubbing the regulations. But the reality is, if this legislation passes, there will be certain implications; and it will, in fact, require the VA, who is in the midst of major reform, to not move forward on its regulations that are intended to improve the lives of our veterans until they find another regulation to repeal that someone has determined is of equal cost.

So the reality is that it will delay implementation of these improvements. We can describe it as clearing the underbrush and scrubbing, but what it will mean for America's veterans in many instances is that they

will be denied the quality care that they deserve and that they have earned in the defense of our country.

I urge my colleagues to support this amendment that will carve out the Department of Veterans Affairs, the agency charged with honoring the service of our veterans, and ensure that the improvements that are underway and that we are all demanding will not be delayed because of the SCRUB Act.

I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, there is nothing in the SCRUB Act that is going to slow it down. It is not an excuse for the administration to do what they have been trying to do for the last 7 years and have absolutely, totally failed to do.

How many times are we going to get constituents coming into our own offices complaining about the VA? I guarantee that if you go across this country and ask the people that work in your offices what are the number one, two, and three complaints and problems that they have, I guarantee you in the top three it is going to be veterans.

We are not taking care of the veterans that we need to take care of. We are not going to be introducing a bill that is going to harm our ability to fix that problem. But you are naive, at best, if anybody thinks that all the regulations in place right now are just perfect, because that is, in essence, what they are arguing: it is perfect. We don't need to get rid of anything. We just need more, more, more regulations.

Take a bipartisan group of people, let them look at it, study it, and spend the time necessary in a bipartisan way. That is reasonable. That is why we should vote ''no'' on this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Rhode Island (Mr. CICILLINE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CICILLINE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Rhode Island will be postponed.

AMENDMENT NO. 8 OFFERED BY MS. DELBENE

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 114–388.

Ms. DELBENE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 29, line 21, insert after ''Code'' the following: '', except for a special rule''.

Page 29, insert after line 24 the following:

(6) SPECIAL RULE.—The term ''special rule'' means a rule made by an agency in response to an emergency.

The Acting CHAIR. Pursuant to House Resolution 580, the gentlewoman from Washington (Ms. DELBENE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Washington.

Ms. DELBENE. Mr. Chair, I yield myself such time as I may consume.

Like the mountain of antiregulation bills we have considered in the past, the SCRUB Act is in no way a serious effort to make targeted improvements to the rulemaking process.

Touted by its supporters as a job creation measure, this irresponsible bill takes a sledgehammer approach to reform. Particularly egregious is this legislation's complete failure to provide an exemption for emergency situations. My amendment would correct this very serious mistake.

In March 2014, the Oso landslide, a horrific natural disaster that took the lives of 43 people in my district, required every available resource to be deployed without delays. And given the many crises the country faced last year alone, from wildfires to terrorist threats, I am alarmed that we are considering a bill today that would get in the way of an agency trying to do its job at critical moments like these. The idea that an agency responding to an emergency would be forced to weigh what existing regulations to get rid of before they can take new action, while lives are at risk, cannot be what this body intends.

Bills like this are not jobs packages. They are pandering to a few select corporate special interests that put the lives and well-being of every American at risk.

I urge my colleagues to vote ''yes'' on my amendment and to ensure, the next time our country faces an emergency, the citizens of this country can rest assured knowing that the Federal agencies they expect to provide services in times of crises will not have their hands tied by this irresponsible legislation.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, I rise in opposition.

The Acting CHAIR. The gentleman from Utah is recognized for 5 minutes.

Mr. CHAFFETZ. Mr. Chairman, I have the greatest respect for our Members here. But to suggest that what we are doing is throwing a sledgehammer and that it is pandering, come on. This is a serious effort to suggest, in a bipartisan way, to go back and review things.

Now, in the case that was brought up earlier in this debate, there may have been an emergency to deal with something in, say, the State of Washington. And I hope that was dealt with very successfully. But 70 years from now, it is probably not applicable. And I guarantee you, there are regulations and things that are happening by the tens of thousands, by the way, on a regular basis that are no longer needed.

All we are asking for is an opportunity to put together a bipartisan group to go review these. That is what JASON SMITH has been passionate about. That is what he is fighting for. That is what is reasonable. That is why we are here today. But to suggest that it is because of pandering or any other negative word, our heart is sincere in that we actually do think that these regulations cause problems.

You have got to have bureaucrats who understand all these regulations. It is not just the taxpayers—who we work for—but it is also the bureaucrats who are supposed to try to sort all of this out and have manual after manual after manual to bind people to the point where they have a difficult time doing their very jobs that they are supposed to be doing.

So should we review things that were put forward on an emergency basis? Yes. I am not saying that has to be done 3 months afterwards. But we are going to be able to have a long look back, and you shouldn't exempt out veterans and, in this case, you shouldn't exempt out somebody who is just trying to go back and look at something that may originally become a very legitimate emergency. Why would we not look at that?

It is just this attitude and this approach that says everything is perfect. Essentially, what the Democrats are arguing is that all of the regulations are perfect. No need for any changes. No reason to get rid of anything.

What we are saying is, in a bipartisan way, let's go back, let's review these, and let's come up with a way to cut out that underbrush. Let's try to find the ones that are no longer needed and streamline what we are trying to do in our government. It will be better for the employees. It will be better for the taxpayers. It will be better for America because we will actually understand what the rules and regulations are.

I reserve the balance of my time.

Ms. DELBENE. Mr. Chair, I think that my colleague, Mr. CHAFFETZ, would agree with my amendment because this bill requires that before agencies can issue a new rule, they get rid of an old one, and there is no exception for emergencies. It seems like a very reasonable approach to make sure that, again, in a time of crisis, agencies are able to respond right away.

This is an important amendment. It is a very reasonable amendment. It addresses a serious flaw in the bill. I ask again for my colleagues to vote ''yes'' on this amendment.

I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, I would just remind our colleagues that the cutting doesn't apply until the commission reports back. So until they have had a chance to go in and look and review, then there is an opportunity to cut out this underbrush. And I think I have made my point. I urge a ''no'' vote on this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Washington (Ms. DELBENE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. DELBENE. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Washington will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. CICILLINE

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in part B of House Report 114–388.

Mr. CICILLINE. Mr. Chairman, I rise as the designee of the gentlewoman from Texas (Ms. JACKSON LEE) to offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 29, line 21, insert after ''Code'' the following: '', except for a special rule''.

Page 29, insert after line 24 the following:

(6) SPECIAL RULE.—The term ''special rule'' means a rule made by the Secretary of Homeland Security.

The Acting CHAIR. Pursuant to House Resolution 580, the gentleman from Rhode Island (Mr. CICILLINE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. CICILLINE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering this amendment on behalf of myself and my colleague on the Judiciary Committee, Congresswoman SHEILA JACKSON LEE.

Let me begin by expressing my appreciation to Chairman SESSIONS and Ranking Member SLAUGHTER for their leadership and for making the Jackson Lee amendment in order.

Thank you for the opportunity to explain this amendment to H.R. 1155, the Searching for and Cutting Regulations that are Unnecessarily Burdensome Act of 2015, referred to as the SCRUB Act.

This amendment would exempt any rule issued by the Department of Homeland Security from the onerous mandates of this legislation. If enacted, the SCRUB Act would establish a retrospective regulatory review commission to identify existing Federal regulations that can be repealed to reduce unnecessary regulatory costs to the U.S. economy.

This bill purports to reduce bureaucracy by establishing a new regulatory review commission charged with identifying duplicative, redundant, or so-called obsolete regulations to repeal. I am offering this amendment because I am concerned about the procedural process by which the SCRUB Act attempts to accomplish this worthy goal and the real and potential dangers this legislation presents to our public health and safety.

If passed without this amendment, this legislation could really undermine and jeopardize public health and safety. In particular, this bill undermines the ability of agencies to act in times of imminent need to protect citizens.

The SCRUB Act would prohibit any regulatory agency from issuing any new rule or informal statement, including nonlegislative and procedural rules, even in the case of an emergency or imminent harm to public health, until the agency first offsets the costs of the new rule or guidance by eliminating an existing rule identified by the commission. This regulatory CutGo process would force agencies to prioritize between existing protections and responding to new threats to the health and well-being of our people and the safety of our homeland.

Such a sweeping requirement would endanger the lives of Americans by creating unnecessary delays in the Federal rulemaking process and creating additional burdens and implementation problems that will only divert critical agency resources and diminish agencies' ability to protect and inform the public in times of imminent danger and need.

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For instance, if an agency needed to respond to an imminent hazard to the public or environment, it would have to either rescind an existing rule that is identified by the commission's arbitrary and cost-centric process or choose not to act.

This amendment is a simple solution to that problem, and it will protect the health and well-being of all Americans. It would ensure that the Department of Homeland Security is not unnecessarily burdened with regulatory mandates that would jeopardize its ability to carry out its mission to prevent terrorism, enhance security, manage our borders, administer immigration laws, secure cyberspace, and ensure disaster resilience.

The Department of Homeland Security is the first line of defense in protecting the Nation and leading recovery efforts from all hazards and threats, which includes everything from weapons of mass destruction to natural disasters.

You may recall the Nation's first documented case of Ebola last year in Dallas, Texas. It was an unforeseen and singular event that required DHS to develop new procedures and rules governing travel to the United States by individuals who had recently visited countries suffering through the Ebola outbreak.

The Department of Homeland Security was also recently tasked with adjusting its efforts to secure the southern border when a wave of unaccompanied minors entered the country without notice.

We do not need to be reminded of the heightened state of security that we are now in and the increasing demand upon our government agencies tasked with keeping our borders and citizens safe.

The overall mission of the Department of Homeland Security is too critical and its function so essential that it would be irresponsible to impede the agency in the performance of its duties, as this bill would do.

Now is not the time to undermine or slow the ability of the Department of Homeland Security to address growing threats and active acts of terrorism. The Department of Homeland Security must remain focused on the crucial mission of securing the homeland. This amendment will help them achieve that goal.

I urge my colleagues to support the Jackson Lee amendment.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Utah is recognized for 5 minutes.

Mr. CHAFFETZ. Mr. Chairman, the amendment indicates a fundamental, I think, misunderstanding of the purpose and the functionality of the bill.

The SCRUB Act is intended to cut out unnecessary regulations. So the first question you really have to ask yourself is, are there unnecessary regulations?

I would remind Members that on May 26, 2011, the Homeland Security Department, which really hadn't been in place for a very long, as it is a new agency, started an initiative to cut out unnecessary regulations.

The President, three times, has asked to cut out unnecessary regulations. So we are formalizing that process a little bit more so that it is true for every department and agency, and we are doing so in a bipartisan way.

So what are we afraid of? What are we afraid of?

We are trying to say things need to be reviewed, and they need to go look. And if they are perfect—I doubt it. I really doubt it. But they are going to have this opportunity, in a bipartisan way, to allow the commission to go do its work, make recommendations, look at these things that are just there by the tens of thousands.

The world has changed. It has dramatically changed. And we ought to be reviewing this on a regular basis, and that is what the SCRUB Act does.

That is why I think, again, creating another carve-out for somebody is unnecessary and counterproductive and ill-advised. That is why I would urge a ''no'' vote on this amendment.

I reserve the balance of my time.

Mr. CICILLINE. Mr. Chairman, that may well be the purpose of this bill, and I don't think anyone would disagree with reviewing regulations and making recommendations. That may be the purpose of the bill, but that is not what the bill does.

What the bill does—and we have to understand the implications, and I will repeat it—it prohibits any regulatory agency from issuing any new rule or informal statement, including nonlegislative and procedure rules, even in the case of an emergency or imminent harm to the public, until the agency first offsets the cost of the new rule or

guidance by eliminating an existing rule identified by the commission.

So it is not that anyone is suggesting everything is perfect and a review isn't necessary, but it is the procedure that the bill sets forth which will become law that requires agencies to delay doing anything until they find something to undo.

In the context of the requirements and the responsibilities of the Department of Homeland Security, this has potentially life-threatening implications. So it is not that anyone is suggesting everything is perfect and a review isn't necessary.

But the bill does much more than that. It says to agencies like the Department of Homeland Security, you may not act, even if it is necessary to protect the public, until you repeal or rescind a corresponding amount of regulation. That is a danger. It is what this bill will do.

This amendment relieves that and provides an exemption so that, at least on issues of defending the homeland, we do not delay implementation of the rules.

I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, I appreciate the gentleman's passion for this issue. All we are asking for, in a bipartisan way—and I sound like a broken record up here—is to review these regulations, go back over an indefinite amount of time to look way back, back, and go look at what these rules and regulations that have been put out there.

Remember, we are supposed to be implementing it by law. There are times when regulations and rules—certainly in emergency situations, it has to be dealt with. But they can go back and look at these. It is not going to slow down our dealing with an emergency.

What we are going to do, and I think we are going to find, is that it is actually going to clean up the process in the system.

It is like—I am trying to think of a good example of this—but they keep throwing things into the garage, and there is so much clutter you can't even get in the garage.

And I just think they are living on a different planet if we think that all these regulations are perfect; nothing needs to be cleared out; we don't want to take any time; we want just the administration to do it; we don't want the other party to be involved.

Republicans are suggesting to do this in a bipartisan way. I think that is reasonable. I think that is what the American people want.

But Democrats don't want us to do that. They don't want a bipartisan group of people looking at rules and regulations in the executive branch. I don't think that is fair. I don't think that is balanced.

What we are offering, I think, is an opportunity to do that. They are allowed to go through, this commission goes through this process. The department and agency can identify a list of things that need to be cleaned out of that garage.

I think that is a reasonable way to go and why, again, nobody should be excluded. I think it is a healthy part of the process.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Rhode Island (Mr. CICILLINE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CICILLINE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Rhode Island will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. POCAN

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part B of House Report 114–388.

Mr. POCAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 29, line 21, insert after ''Code'' the following: '', except for a special rule''.

Page 29, insert after line 24 the following:

(6) SPECIAL RULE.—The term ''special rule'' means a rule pertaining to consumer safety made by the Commissioner of Food and Drugs, including any rule made under the FDA Food Safety Modernization Act.

The Acting CHAIR. Pursuant to House Resolution 580, the gentleman from Wisconsin (Mr. POCAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. POCAN. Mr. Chairman, I yield myself as much time as I may consume.

I rise today in support of this amendment to protect food safety standards for consumers.

In 2010, Congress updated our food safety protections for the 21st century by passing the Food Safety and Modernization Act, greatly expanding these consumer protections through the Food and Drug Administration.

Today it is critical that we maintain this progress and protect the implementation of this law from the obstructionist policies included in the SCRUB Act. It is especially important that we allow the FDA to carry out this effort unimpeded because our food safety standards are facing attacks from many other directions.

A recent decision from the World Trade Organization repealed our country-of-origin labeling standards on beef and pork, undermining consumers' right to know where their groceries are coming from.

Meanwhile, the United States is considering entering the Trans-Pacific Partnership, a massive multinational trade agreement that may allow food into our grocery stores and restaurants that may not even meet basic safety standards. The TPP weakens our ability to inspect these dangerous foods before they end up on our dinner plates.

We know that seafood imported from countries like Vietnam and Malaysia are often contaminated with dangerous antibiotics and foodborne pathogens. Between 2002 and 2010, 44 percent of catfish and related species from China, Vietnam, Thailand, Indonesia, and Cambodia tested positive for antibiotics banned in the United States. Further, in 2013, 100 percent of the Vietnamese catfish farms used antibiotics not approved in the United States.

Meanwhile, large amounts of shrimp imported to the United States also contain dangerous bacteria. Last year, harmful bacteria were found in 83 percent of the shrimp from Bangladesh, 74 percent of the shrimp from India, and 58 percent of the shrimp from Vietnam.

For these reasons, the number of dirty seafood shipments from Vietnam and Malaysia rejected by the FDA increased 224 percent in the first 2 months of 2015 alone. We must amend this legislation to preserve the FDA's ability to protect our food.

It is not too much to ask that families are assured basic food safety standards and protections are met. Please support this amendment, which will allow the FDA to continue doing its job by protecting consumers and making sure our food is safe to eat.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Utah is recognized for 5 minutes.

Mr. CHAFFETZ. The SCRUB Act is not going to take away the entire FDA. Our food, and the people that work at the FDA, the food safety is an important part of the function that they hold.

But I would appreciate anybody to have us understand—we actually, through the staff, read this report from George Mason University. In February of 2014 they wrote a really good report, ''The Consequences of Regulatory Accumulation and a Proposed Solution.'' I just want to highlight one of the examples of something that is still on the books. The Food and Drug Administration has been creating rules since its inception in 1906.

There is still a regulation on the FDA's books that governs the width of strings in canned string beans. That is still on the books. You are breaking the law if you go past this regulation.

This is the kind of stuff that should be out of there because, you know what, there is some entrepreneur, there is some business that has the liability now hanging over their head. In 1906, somehow, somebody thought that was a good rule, but it is not anymore. It is unnecessary. It is burdensome. It is still on the books.

Let's have a bipartisan group of people look at this and go find the width of string beans and get rid of that regulation. What is wrong with that? That

is what the SCRUB Act does. That is what JASON SMITH is talking about.

There are other examples. It was just, I believe, according to The Wall Street Journal, the EPA had saccharine, was treated as a dangerous chemical. But the FDA said it was safe for people to consume. And it wasn't until just last month that the EPA said: All right, it is not a dangerous, hazardous chemical. And the FDA prevailed. But there are conflicts.

Again, a commission looking at this, with professionals, staff, people who are looking at these types of things are going to go find these regulations and try to go weed them out. It will streamline what we are doing. It is good for the economy. It is good for the country. It makes common sense, and we are trying to do so in a bipartisan way.

So the FDA, they do good work. But we are talking about a lot of other regulations and rules that were put forth that are no longer necessary and need to be eliminated.

I reserve the balance of my time.

Mr. POCAN. Mr. Chairman, first let me say I am not going to impugn anyone's motives why it was introduced. My problems are with the implementation of the law.

If you would like to, with my office, sign a letter to repeal the 1906 string bean width regulation, I am with you. We can do that, and that is a commonsense way to get things done.

You mentioned things from the twenties and thirties and forties that might be there. But let's put it another way. You are saying every time a new regulation is necessary, you have to find an old regulation, which is overly simplistic, ultimately impractical and, I think, ultimately dangerous, especially when it comes to issues like food safety and veterans and other areas. So it is the impracticality.

You are telling a consumer, if they have old things in their refrigerator that are outdated, when you buy your new milk, you take out your old milk, but you don't clean out your refrigerator. That is a ridiculous notion.

□ 2015

Only in Washington would we come up with a law as ridiculous as saying that you take one for one rather than just cleaning out old items. So I just have a problem with the bill itself. I am not impugning anyone's motives for introducing it. I just think it is a silly way of accomplishing what you want to accomplish.

I don't disagree with the gentleman, and I don't think many of us disagree that there are regulations that should be gotten rid of. But there is a way to do it that would make sense, that the public would understand, and that wouldn't be just the brainchild of the Beltway inside Washington which, unfortunately, is what the SCRUB Act is.

Mr. Chairman, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, here is the problem.

The Federal bureaucracy continues to grow and expand to the point where we have millions of people who wake up every day. A lot of them are regulators. They can't justify their existence unless they regulate something.

There is no incentive to get rid of those regulations. There is every incentive to add regulations because that is what they get paid to do. We want to just have a bipartisan group of people who can go and weed out all of this unnecessary underbrush, as I keep calling it, to streamline the system.

It should be done by every agency. It is going to take time to go through it. I hope we are saying that we recognize that there is this problem because we can keep coming up with examples and going through and saying, ''Hey, we will pass''—do you know how expensive it is to introduce and pass a piece of legislation and try to get it over to the Senate?

We are trying to create a commission in a bipartisan way to have people dive in and look at these regulations. That is what we are asking for. That is why I urge a ''no'' vote on this amendment and a ''yes'' vote on the underlying bill introduced by Mr. JASON SMITH.

Mr. Chairman, I reserve the balance of my time.

Mr. POCAN. Mr. Chairman, I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Mr. POCAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. POCAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. MURPHY OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in part B of House Report 114–388.

Mr. MURPHY of Florida. Mr. Chairman, I rise in support of the amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Regulatory Improvement Act of 2015''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''Commission'' means the Regulatory Improvement Commission established under section 3;

(2) the term ''commission bill'' means a bill consisting of the proposed legislative language of the Commission recommended under section 4(h)(2)(C); and

(3) the term ''covered regulation'' means a regulation that has been finalized not later than 10 years before the date on which the Commission is established.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established in the legislative branch a commission to be known as the ''Regulatory Improvement Commission''.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 9 members, of whom—

(A) 1 member shall be appointed by the President, and shall serve as the Chairperson of the Commission;

(B) 2 members shall be appointed by the majority leader of the Senate;

(C) 2 members shall be appointed by the minority leader of the Senate;

(D) 2 members shall be appointed by the Speaker of the House of Representatives; and

(E) 2 members shall be appointed by the minority leader of the House of Representatives.

(2) DATE.—The appointment of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(3) QUALIFICATIONS.—

(A) CHAIR.—The Chair of the Commission shall be an individual with expertise and experience in rulemaking, such as past Administrators of the Office of Information and Regulatory Affairs, past chairmen of the Administrative Conference of the United States, and other individuals with similar expertise and experience in rulemaking affairs and the administration of regulatory reviews.

(B) MEMBERS.—Members appointed to the Commission shall be prominent citizens of the United States with national recognition and a significant depth of experience and responsibilities in matters relating to government service, regulatory policy, economics, Federal agency management, public administration, and law.

(4) LIMITATION.—Not more than 5 members appointed to the Commission may be from the same political party.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairman.

(f) OPEN TO THE PUBLIC.—Each meeting of the Commission shall be open to the public, unless a member objects.

(g) QUORUM.—Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(h) NONAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

SEC. 4. DUTIES OF THE COMMISSION.

(a) PURPOSE.—The purpose of the Commission is to evaluate and provide recommendations for modification, consolidation, or repeal of covered regulations with the aim of reducing compliance costs, all while protecting public health and safety, encouraging growth and innovation, and improving competitiveness.

(b) REQUIREMENTS.—In carrying out subsection (a), the Commission shall—

(1) give priority in its analysis of covered regulations to those that—

(A) impose disproportionately high costs on a small entity (as defined in section 601 of title 5, United States Code);

(B) impose substantial paperwork burdens; or

(C) could be strengthened in their effectiveness while reducing regulatory costs;

(2) solicit and review comments from the public on the covered regulations described this section; and

(3) develop a set of covered regulations to modify, consolidate, or repeal to be submitted to Congress for an up-or-down vote.

(c) PUBLIC COMMENTS.—

(1) IN GENERAL.—Not later than 60 days after the date of the initial meeting of the Commission, the Commission shall initiate a process to solicit and collect written recommendations from the general public, interested parties, Federal agencies, and other relevant entities regarding which covered regulations should be examined.

(2) SUBMISSION OF PUBLIC COMMENTS.—The Commission shall ensure that the process initiated under paragraph (1) allows for recommendations to be submitted to the Commission through the website of the Commission or by mail.

(3) LENGTH OF PUBLIC COMMENT PERIOD.—The period for the submission of recommendations under this subsection shall end 120 days after the date on which the process is initiated under paragraph (1).

(4) PUBLICATION.—At the end of the period for the submission of recommendations under this subsection, all submitted recommendations shall be published in the Federal Register and on the website of the Commission.

(d) COMMISSION OUTREACH.—

(1) IN GENERAL.—During the public comment period described in subsection (c), the Commission shall conduct public outreach and convene focus groups to better inform the Commissioners of the public's interest and possible contributions to the work of the Commission.

(2) FOCUS GROUPS.—The focus groups required under paragraph (1) shall include individuals affiliated with the Office of Information and Regulatory Affairs, the Administrative Conference of the United States, the offices within Federal agencies responsible for small business affairs and regulatory compliance, and, at the discretion of the Commission, other relevant stakeholders from within or outside the regulatory entities.

(e) COMMISSION REVIEW OF PUBLIC COMMENTS.—Not later than 45 days after the date on which the period for the submission of recommendations ends under subsection (c), the Commission shall convene to review submitted recommendations and to identify covered regulations to modify, consolidate, or eliminate.

(f) EXAMINATION OF REGULATIONS.—

(1) PROCESS FOR EXAMINATION.—In examining covered regulations under this section, the Commission shall determine the effectiveness of individual covered regulations, by using multiple resources, including quantitative metrics, testimony from industry and agency experts, and research from the staff of the Commission.

(2) DEADLINE.—Not later than 1 year after the date on which the Commission convenes under subsection (e), the Commission shall complete a substantial examination of covered regulations.

(g) INITIAL REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Commission convenes under subsection (e), the Commission shall publish, and make available to the public for comment, a report, which shall include—

(A) the findings and conclusions of the Commission for the improvement of covered regulations examined by the Commission; and

(B) a list of recommendations for changes to the covered regulations examined by the Commission, which may include recommendations for modification, consolidation, or repeal of such covered regulations.

(2) REQUIREMENT.—The report required under paragraph (1) shall be approved by not fewer than 5 members of the Commission.

(3) AVAILABILITY OF REPORT.—The Commission shall make the report required under paragraph (1) available through the website of the Commission and in printed form.

(4) PUBLIC COMMENT PERIOD.—During the 90-day period beginning on the date on which the report required under paragraph (1) is published, the Commission shall—

(A) solicit comments from the public on such report, using the same process established under subsection (c); and

(B) publish any comments received under subparagraph (A) in the Federal Register and the website of the Commission.

(5) CONSULTATION.—

(A) IN GENERAL.—Not later than 90 days after the date on which the report required under paragraph (1) is published, the Commission shall complete a consultation with the chairman and ranking member of the committees of jurisdiction in the House of Representatives and Senate regarding the contents of the report.

(B) REQUIREMENTS.—The consultation required under subparagraph (A) shall provide—

(i) the opportunity for the chair and ranking member of the committees of jurisdiction to provide substantive feedback or recommendations related to the regulatory changes contained in the report required under paragraph (1); and

(ii) the opportunity for the chair and ranking member of the committees of jurisdiction to provide recommendations for alternative means of achieving a reduction in regulatory costs while maintaining the same level of benefits to society.

(h) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 90 days after the date on which the 90-day period described in subsection (g)(4) ends, the Commission shall—

(A) review any comments received under subsection (g)(4);

(B) incorporate any relevant comments received under subsection (g)(4) into the report required under subsection (g)(1); and

(C) submit the revised report to Congress.

(2) CONTENTS.—The revised report required to be submitted to Congress under paragraph (1) shall include—

(A) the findings and conclusions of the Commission for the improvement of covered regulations examined by the Commission;

(B) a list of recommendations for changes to the covered regulations examined by the Commission, which may include recommendations for modification, consolidation, or repeal of such covered regulations; and

(C) recommended legislative language to implement the recommendations in subparagraph (B).

(i) NOTICE TO REGULATORY AGENCIES.—

(1) ENACTMENT OF COMMISSION BILL.—If the commission bill is enacted into law before the first date on which Congress adjourns sine die after such bill is introduced, the President shall—

(A) not later than 7 days after the date on which the commission bill is enacted into law—

(i) provide notice to the affected regulatory agencies; and

(ii) publish notice of enactment in the Federal Register and online;

(B) require affected regulatory agencies to implement the commission bill not later than 180 days after the date on which the commission bill is enacted into law.

(2) FAILURE TO ENACT COMMISSION BILL.—If the commission bill is not enacted into law before the first date on which Congress adjourns sine die after such bill is introduced, the President shall provide notice of such failure to enact the commission bill in the Federal Register.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purpose of this Act. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) SPACE FOR USE OF COMMISSION.—Not later than 60 days after the date of enactment of this Act, the Administrator of General Services shall support on a reimbursable basis the operations of the Commission, including the identification of suitable space to house the Commission. If the Administrator is not able to make such suitable space available within the 60-day period, the Commission shall lease space to the extent that funds are available.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the

executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) AGENCY ASSISTANCE.—Following consultation with and upon the request of the Chairman of the Commission, the head of any agency may detail an employee of the agency to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(4) GAO AND OIRA ASSISTANCE.—The Comptroller General of the United States and the Administrator of the Office of Information and Regulatory Affairs shall provide assistance, including the detailing of employees, to the Commission in accordance with an agreement entered into with the Commission.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) CONTRACTING AUTHORITY.—The Commission may acquire administrative supplies and equipment for Commission use to the extent funds are available.

(f) ADMINISTRATIVE SUPPORT.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 4.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to the Commission to carry out this Act.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

The Acting CHAIR. Pursuant to House Resolution 580, the gentleman from Florida (Mr. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MURPHY of Florida. Mr. Chairman, I rise in support of the substitute amendment to provide a bipartisan approach to this regulatory reform discussion.

As a CPA and a small-business owner myself, I have seen firsthand the burden that unnecessary regulations can have on businesses, particularly small businesses.

My substitute amendment would establish a regulatory improvement commission consisting of experts appointed by the President and congressional leaders of both parties to evaluate and provide recommendations for the modification, consolidation, or repeal of regulations that are unnecessarily burdensome.

The commission would have an aim toward reducing compliance costs, encouraging growth and innovation, and improving competitiveness, all while protecting public health and safety. After opportunities for input and consultation from experts, industry stakeholders, and the general public, the commission would submit a report to Congress containing proposed legislation to implement its adjusted changes. If Congress chooses to act and the President chooses to sign the report, agencies would have 180 days to implement.

My amendment is based on the Regulatory Improvement Act of 2015, which I was proud to introduce with the gentleman from South Carolina (Mr. MULVANEY) along with 14 cosponsors, 7 Democrats and 7 Republicans.

Our bipartisan proposal rejects the partisan approach before us today in favor of a true, bipartisan compromise that all Members should be able to get behind.

My constituents sent me to Congress with the expectation that I would be willing to work with anyone with a good idea. It shouldn't matter what party you have behind your name.

Traveling up and down my district, I hear the same thing from all of my constituents, whether they are Republican, Democrat, Tea Party alike. They get that there can be a cost to protecting the environment. But in my district on the Treasure Coast and Palm Beaches, they also know that having clean water is probably worth it.

They also get that there can be a cost to protecting their workers and workplace safety. But many of them have had the same workers for many, many years, if not decades, and they know that the safety of their employees is also probably worth it.

So what frustrates, I think, those constituents the most and those business owners the most is the unnecessary red tape and the excessive costs for the hoops that they have to jump through that don't make the air any cleaner and don't make the projects any safer. They expect Washington to work to fix that problem. That is why I have offered this amendment today.

I know that some on the left are going to say that this goes too far and some on the right think it doesn't go far enough. But I also know that, in a divided government, the partisan bill before us will do nothing to help relieve the regulatory burden on the small businesses in my district and across this country.

Riddled with poison pills, the SCRUB Act is a messaging bill, trying to send a message about one side allegedly not caring enough about jobs and the other side doesn't care enough about clean water or public safety.

But that is not the message that the small businesses care about and the small businesses in my district want to hear. They want results. They want solutions to this. Their message shouldn't be that Congress doesn't care.

So while I hoped that we would be able to pick up where we left off on this bill in the last Congress and find some areas where we can come together to solve problems for the American people, I understand that there are concerns with the amendment, and I do intend to withdraw it.

Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Chairman, I would just like to say how much I appreciate the gentleman from Florida's bipartisan work on this issue.

I look forward to working with the gentleman on this issue as well as other issues of joint concern, like criminal justice reform and the restoration of the Voting Rights Act.

Mr. MURPHY of Florida. I thank the gentleman.

Mr. Chairman, I look forward to working together and to working with our friends on the other side of the aisle, getting back to getting things done for the American people.

Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIR. The amendment is withdrawn.

Mr. CHAFFETZ. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BABIN) having assumed the chair, Mr. MOOLENAAR, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1155) to provide for the establishment of a process for the review of rules and sets of rules, and for other purposes, had come to no resolution thereon.

OBAMACARE

(Mr. ROTHFUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHFUS. Mr. Speaker, the Affordable Care Act came with a lot of promises. Remember the President's words in 2009, ''If you like the plan you have, you can keep it. If you like the doctor you have, you can keep your doctor, too. The only change you'll see are falling costs as our reforms take hold.''

This, Mr. Speaker, was false advertising. While some may have gained coverage under the ACA, far too many others were harmed by the law. Millions of Americans lost their plans or saw their premiums and out-of-pocket costs skyrocket, like the mom in my district who now has to pay $400 for her daughter's lifesaving peanut allergy medication when it used to cost her $10. That is not what was promised.