

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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### Opening Statement Ranking Member Elijah E. Cummings

#### H.R. 2623, Lessening Regulatory Costs and Establishing a Federal Regulatory Budget Act

November 30, 2017

I appreciate the work the gentleman from North Carolina, Mr. Meadows, has put into this bill. I believe there is room for us to build on the initiative taken by President Obama to eliminate unnecessary and duplicative regulations. However, I do not believe this bill takes the right approach.

Under this bill, the Director of OMB would set a regulatory budget for each agency. These regulatory budgets would determine which rules an agency could issue because the agency would be prohibited from exceeding the amount set by OMB.

If OMB failed to set an amount for an agency, the agency's budget would be zero. That would mean the agency could issue no new significant rules that year—no matter how important the rule. This bill would prohibit a new significant rule from taking effect unless the agency issuing the rule first identifies two deregulatory actions to offset the costs of the new rule.

The substitute amendment that is being offered would allow the head of OMB to simply override this requirement. I believe this is an improvement to the bill.

I cannot support this bill, however, because it sends the message that rulemaking should be an arbitrary process that values money over human health and safety.

Agencies should make decisions to issue new rules or to modify or repeal rules based on evidence. In fact, this Committee just passed Speaker Ryan's bill to promote evidence-based policymaking.

This bill instead tells agencies to make decisions based on arbitrary money caps.

On Tuesday, the Committee held a hearing on the President's Commission on Combating Drug Addiction and the Opioid Crisis. That Commission, chaired by New Jersey Governor Christie, said in its final report that a, quote, "strong regulatory and enforcement environment" is part of the answer to combatting the opioid crisis.

This bill would undermine that recommendation by focusing on repealing existing rules and preventing new rules rather than on improving public health. This bill would require agencies to use task forces to recommend rules to be repealed.

The substitute amendment includes language that appears to encourage those task forces to operate with transparency. The amendment, however, does make those transparency provisions mandatory.

This Committee, on both sides, is usually very supportive of transparency, so it is not clear to me why the amendment would not require the task forces to disclose information, such as who its members are.

I would like to insert in the record a letter sent to the Committee yesterday from the Environmental Defense Fund opposing this bill.

That letter said that this bill, and I quote, “applies an indiscriminate approach without adequate consideration of the consequences to any but the regulated business—not the public, the taxpayer, the environment.”

I would also like to insert in the record a letter from the Union of Concerned Scientists opposing this bill.

Andrew Rosenberg, the Director of the Center for Science and Democracy, wrote, and I quote:

“Science and public health should be the determining factors on how to create public health, safety, and environmental protections. Putting arbitrary roadblocks to those protections, in order to cut costs not only undermines the scientific basis of those protections, but also harms the communities those protections were created to help.”

I urge the Committee to vote no on this bill and the substitute amendment.

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