

119TH CONGRESS
1ST SESSION

S. 648

To provide for the establishment of a process for the review of rules and sets of rules, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 20, 2025

Ms. ERNST introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To provide for the establishment of a process for the review of rules and sets of rules, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Searching for and Cutting Regulations that are Unneces-
6 sarily Burdensome Act of 2025” or the “SCRUB Act of
7 2025”.

8 (b) TABLE OF CONTENTS.—The table of contents for
9 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—REGULATORY CUT-GO

- Sec. 101. Cut-go procedures.
 Sec. 102. Applicability.
 Sec. 103. OIRA certification of cost calculations.

TITLE II—RETROSPECTIVE REVIEW OF EXISTING AND NEW RULES

- Sec. 201. Plan for review of existing rules.
 Sec. 202. Plan for future review.

TITLE III—JUDICIAL REVIEW; EFFECTIVE DATE

- Sec. 301. Judicial review.
 Sec. 302. Effective date.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
 4 trator” means the Administrator of the Office of In-
 5 formation and Regulatory Affairs of the Office of
 6 Management and Budget.

7 (2) AGENCY.—The term “agency” has the
 8 meaning given that term in section 551 of title 5,
 9 United States Code.

10 (3) DIRECTOR.—The term “Director” means
 11 the Director of the Office of Management and Budg-
 12 et.

13 (4) DOGE.—The term “DOGE” means the
 14 United States DOGE Service under the Executive
 15 Office of the President.

16 (5) MAJOR RULE.—The term “major rule”
 17 means any rule that the Administrator determines is
 18 likely to impose—

1 (A) an annual cost on the economy of
 2 \$100,000,000 or more, adjusted annually for
 3 inflation;

4 (B) a major increase in costs or prices for
 5 consumers, individual industries, Federal,
 6 State, local, or Tribal government agencies, or
 7 geographic regions;

8 (C) significant adverse effects on competi-
 9 tion, employment, investment, productivity, in-
 10 novation, or on the ability of United States-
 11 based enterprises to compete with foreign-based
 12 enterprises in domestic and export markets; or

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

15 (6) RULE.—The term “rule” has the meaning
 16 given that term in section 551 of title 5, United
 17 States Code.

18 (7) SET OF RULES.—The term “set of rules”
 19 means a set of rules that collectively implements a
 20 regulatory authority of an agency.

21 **TITLE I—REGULATORY CUT-GO**

22 **SEC. 101. CUT-GO PROCEDURES.**

23 (a) IN GENERAL.—Except as provided in section 102,
 24 or subsection (b) of this section, when an agency makes
 25 a new rule, the agency shall repeal rules or sets of rules

1 of that agency meeting the criteria provided in section
 2 201(d), such that the annual costs of the new rule to the
 3 United States economy is offset by such repeals, in an
 4 amount equal to or greater than the cost of the new rule,
 5 based on the regulatory cost reductions of repeal identified
 6 by the DOGE, as calculated pursuant to subsection (d)
 7 of this section.

8 (b) ALTERNATIVE PROCEDURE.—

9 (1) IN GENERAL.—An agency may, alter-
 10 natively, repeal rules or sets of rules of that agency
 11 meeting the criteria provided in section 201(d) prior
 12 to the time specified in subsection (a).

13 (2) APPLICATION OF REDUCTION OF COST.—If
 14 an agency repeals a rule or set of rules under para-
 15 graph (1) and thereby reduces the annual, inflation-
 16 adjusted cost of the rule or set of rules to the
 17 United States economy, the agency may thereafter
 18 apply the reduction in regulatory costs to meet, in
 19 whole or in part, the regulatory cost reduction re-
 20 quired under subsection (a) to be made at the time
 21 the agency promulgates a new rule if the new rule
 22 is finalized within 2 years of repeal of the rule or
 23 set of rules reducing the annual, inflation-adjusted
 24 cost thereof.

1 (c) ACHIEVEMENT OF FULL NET COST REDUC-
2 TIONS.—

3 (1) IN GENERAL.—Subject to the provisions of
4 paragraph (2), an agency may offset the costs of a
5 new rule or set of rules by repealing a rule or set
6 of rules that implement the same statutory authority
7 as the new rule or set of rules.

8 (2) LIMITATION.—When using the authority
9 provided in paragraph (1), the agency shall achieve
10 a net reduction in costs imposed by the body of rules
11 of the agency (including the new rule or set of rules)
12 that is equal to or greater than the cost of the new
13 rule or set of rules to be promulgated, including,
14 whenever necessary, by repealing additional rules of
15 the agency meeting the criteria provided in section
16 201(d).

17 (d) REGULATORY COST ANALYSIS.—When calcu-
18 lating the cost of a new or existing rule for purposes of
19 compliance with this section, an agency shall not consider
20 any non-monetized or unquantified factor.

21 **SEC. 102. APPLICABILITY.**

22 An agency shall no longer be subject to the require-
23 ments of sections 201 and 203 beginning on the date on
24 which there is no rule or set of rules of the agency meeting
25 the criteria provided in section 201(d) that has not been

1 repealed such that all regulatory cost reductions from re-
 2 pealing rules meeting such criteria have been achieved.

3 **SEC. 103. OIRA CERTIFICATION OF COST CALCULATIONS.**

4 (a) IN GENERAL.—The Administrator shall review
 5 and certify the accuracy of agency determinations of the
 6 costs of new rules under section 201.

7 (b) INCLUSION.—The certification described in sub-
 8 section (a) shall be included in the administrative record
 9 of the relevant rulemaking by the agency promulgating the
 10 rule, and the Administrator shall transmit a copy of the
 11 certification to Congress when the Administrator trans-
 12 mits the certification to the agency.

13 **TITLE II—RETROSPECTIVE RE-**
 14 **VIEW OF EXISTING AND NEW**
 15 **RULES**

16 **SEC. 201. PLAN FOR REVIEW OF EXISTING RULES.**

17 (a) IN GENERAL.—The DOGE shall conduct a review
 18 of the Code of Federal Regulations to identify and, in co-
 19 ordination with the Director of the Office of Management
 20 and Budget and any relevant agency head, repeal rules
 21 and sets of rules that collectively implement a regulatory
 22 program that should be repealed to lower the cost of regu-
 23 lation to the economy.

24 (b) PRIORITY.—The DOGE shall give priority in the
 25 review to rules or sets of rules that—

- 1 (1) are major rules or include major rules;
- 2 (2) have been in effect more than 15 years;
- 3 (3) impose paperwork burdens that could be re-
- 4 duced substantially without significantly diminishing
- 5 regulatory effectiveness;
- 6 (4) impose disproportionately high costs on en-
- 7 tities that qualify as small entities within the mean-
- 8 ing of section 601(6) of title 5, United States Code;
- 9 or
- 10 (5) could be strengthened in their effectiveness
- 11 while reducing regulatory costs.

12 (c) GOAL.—The DOGE shall have as a goal to
13 achieve a reduction of at least 33 percent in the cumu-
14 lative costs of Federal regulation with a minimal reduction
15 in the overall effectiveness of such regulation by no later
16 than July 4, 2026, by coordinating with the Director, the
17 Administrator, and relevant agency heads to repeal rules
18 or sets of rules identified pursuant to subsection (d) of
19 this section.

20 (d) NATURE OF REVIEW.—To identify which rules
21 and sets of rules should be repealed to lower the cost of
22 regulation to the economy, the DOGE shall apply the fol-
23 lowing criteria:

- 24 (1) Whether the original purpose of the rule or
- 25 set of rules was achieved, and the rule or set of rules

1 could be repealed without significant recurrence of
2 adverse effects or conduct that the rule or set of
3 rules was intended to prevent or reduce.

4 (2) Whether the implementation, compliance,
5 administration, enforcement or other costs of the
6 rule or set of rules to the economy are not justified
7 by the benefits to society within the United States
8 that are directly attributable to the rule or set of
9 rules produced by the expenditure of those costs.

10 (3) Whether the rule or set of rules has been
11 rendered unnecessary or obsolete, taking into consid-
12 eration the length of time since the rule was made
13 and the degree to which technology, economic condi-
14 tions, market practices, or other relevant factors
15 have changed in the subject area affected by the rule
16 or set of rules.

17 (4) Whether the rule or set of rules is ineffec-
18 tive at achieving the purposes of the rule or set of
19 rules when evaluated using data analytics and statis-
20 tical relationships, or unable to be evaluated using
21 such standards.

22 (5) Whether the rule or set of rules overlaps,
23 duplicates, or conflicts with other Federal rules, and
24 to the extent feasible, with State and local govern-
25 mental rules.

1 (6) Whether the rule or set of rules has exces-
2 sive compliance costs or is otherwise excessively bur-
3 densome, as compared to alternatives that—

4 (A) specify performance objectives rather
5 than conduct or manners of compliance;

6 (B) establish economic incentives to en-
7 courage desired behavior;

8 (C) provide information upon which
9 choices can be made by the public;

10 (D) incorporate other innovative alter-
11 natives rather than agency actions that specify
12 conduct or manners of compliance; or

13 (E) could in other ways substantially lower
14 costs without significantly undermining effec-
15 tiveness.

16 (7) Whether the rule or set of rules inhibits in-
17 novation in or growth of the United States economy,
18 such as by impeding the introduction or use of safer
19 or equally safe technology that is newer or more effi-
20 cient than technology required by or permissible
21 under the rule or set of rules.

22 (8) Whether or not the rule or set of rules
23 harms competition within the United States economy
24 or the international economic competitiveness of en-
25 terprises or entities based in the United States.

1 (9) Whether the rule or set of rules concerns a
2 major economic or policy question but lacks an ex-
3 plicit statutory basis.

4 (10) Whether the rule or set of rules imposes
5 costs or burdens disproportionately and predomi-
6 nantly on one segment of society or one industry if
7 the benefits of such rule or set of rules accrue to a
8 distinct segment of society or industry.

9 (11) Whether the rule or set of rules is justified
10 in whole or in part by a benefit accrued by one or
11 more foreign nations while costs are borne by Amer-
12 ican consumers, businesses, other entities, or individ-
13 uals.

14 (12) Whether the rule or set of rules are not
15 based on the best meaning and plain reading of the
16 enabling statute for the rule or set of rules.

17 (13) Such other criteria as the DOGE devises
18 to identify rules and sets of rules that can be re-
19 pealed to eliminate or reduce unnecessarily burden-
20 some costs to the United States economy.

21 (e) NO SUBSTANTIALLY SIMILAR RULE TO BE RE-
22 ISSUED.—A rule that is repealed under subsection (a) of
23 this section or section 101 may not be reissued in substan-
24 tially the same form, and a new rule that is substantially
25 the same as such a rule may not be issued, unless the

1 reissued or new rule is specifically authorized by a law en-
2 acted after the date of the repeal of the original rule.

3 **SEC. 202. PLAN FOR FUTURE REVIEW.**

4 (a) IN GENERAL.—When an agency makes a rule, the
5 agency shall include in the final issuance of such rule a
6 plan for the review of such rule by not later than 10 years
7 after the date such rule is made.

8 (b) REVIEW OF RULES.—The plan for review under
9 subsection (a) shall use interpretations and definitions of
10 terms included in 201(d) that are substantially similar to
11 those used by the DOGE under the review pursuant to
12 section 201.

13 (c) PUBLIC COMMENT ON PLAN.—Whenever feasible,
14 an agency shall include a proposed plan for review of a
15 proposed rule under subsection (a) in the notice of pro-
16 posed rulemaking for the rule and shall receive public com-
17 ment on the plan.

18 (d) REPEAL OF RULES.—The Director of the Office
19 of Management and Budget, in coordination with any rel-
20 evant agency head, shall repeal any rule failing to meet
21 the criteria provided section 201(d).

1 **TITLE III—JUDICIAL REVIEW;**
2 **EFFECTIVE DATE**

3 **SEC. 301. JUDICIAL REVIEW.**

4 (a) CUT-GO PROCEDURES.—Agency non-compliance
5 with title I shall be subject to judicial review under chapter
6 7 of title 5, United States Code.

7 (b) PLANS FOR FUTURE REVIEW.—Agency non-com-
8 pliance with section 202 shall be subject to judicial review
9 under chapter 7 of title 5, United States Code.

10 **SEC. 302. EFFECTIVE DATE.**

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

