

Opening Statement

Hearing before the Regulatory Affairs and

Federal Management Subcommittee

Thursday October 26th at 10:00 AM

“Improving Oversight of the Regulatory Process: Lessons from State Legislatures.”

Good morning and welcome to today’s Subcommittee hearing titled “Improving Oversight of the Regulatory Process: Lessons from State Legislatures.”

This hearing provides an opportunity to do something Washington should do more often: listen to and learn what states do well, especially as it pertains to regulations.

Today, we have three states that have found effective ways for their legislatures to provide oversight over state rule-making agencies.

Strong and effective legislative oversight does not mean stopping agencies from issuing rules, and it does not mean we must have an adversarial relationship with regulators.

When regulators do not trust or work with the legislature, they push the bounds of their authority.

This leads to lawsuits challenging nearly every aspect of a rulemaking, which draws out the process – creating uncertainty for individuals and our communities

On the other hand, and as we will hear today, a cooperative relationship between agencies and the legislative body leads to more effective and efficient rules that follow legislative intent and incorporate the views of regulated parties.

Regulators working closely with the legislature, results in regulations that face far fewer lawsuits from stakeholders.

The onus to improve the rulemaking process is not just on the regulators. As legislators, we must fulfill our responsibility to actually legislate. For decades, we have fallen into the habit of passing legislation that is vague on details and tells the agencies “you make the difficult decisions.”

Politically, this insulates us. We can say we did our part and passed a bill to solve a problem; it is the agency who messed up implementation. That is not how our government is supposed to work.

We can learn a lot from state legislatures in this regard.

Many states, like Connecticut and North Dakota, actively review state regulations to ensure they follow legislative intent.

Other states, like Idaho, must codify state regulations after a year or they expire.

This causes the legislature to take responsibility not only for the bills they pass, but also for the regulations that are a direct result of those laws.

These states prove that an active legislature that works closely with agencies can be successful without needlessly slowing down the regulatory process.

When we talk about regulatory reform, I frequently hear assertions that changes to our system will result in the ossification of the rulemaking process, clog the courts, prevent agencies from issuing needed regulations, and create significant risks to health, safety, and the environment.

We should not be afraid of regulatory reform. Many of the ideas we are considering in Committee are already being used with success on the state level and I hope my colleagues will recognize the successes in the many states can be duplicated on the federal level.

With that, I recognize Ranking Member Heitkamp for her opening remarks.