

OPENING STATEMENT FOR SEN. HEIDI HEITKAMP

Regulatory Affairs and Federal Management Subcommittee hearing, November 5, 2015: “Agency Progress in Retrospective Review of Existing Regulations”

Thank you Chairman Lankford for organizing this hearing today to allow us the opportunity to examine a very important aspect of our regulatory system – retrospective review. I am very interested in our witnesses’ insight, and how best to make retrospective review a stronger part of the culture at all regulatory agencies.

A key goal of mine today is to closely examine how retrospective review is working at several agencies so we can improve the process moving forward.

That is why HSGAC committee recently passed S. 1817, the Smarter Regs Act, with the support of Chairman Lankford. This commonsense and bipartisan bill requires federal agencies to include, as a part of every proposed and final major rule, a framework that will provide a timeframe in which the rule would be reviewed, the data and methodology the agency will use to conduct such reviews, and the method in which the agencies will collect such data.

My thinking behind this bill is to encourage agencies to do the tough thinking early on in the rulemaking process, which will ultimately save the agency and the federal government time and resources. Under current law, agencies and Executive departments are required to conduct a cost-benefit analysis before promulgating a new major rule, and have the results of that analysis reviewed by the Office of Information and Regulatory Affairs.

It makes sense to me that, while agencies are collecting data to determine if a rule is necessary, that the agency also develops a framework to examine if the rule is meeting its regulatory objectives in the future.

In reading your submitted testimony in preparation of this hearing, I am glad to see that your agencies consider retrospective review to be a critical part of your regulatory missions. By making retrospective review a part of your ordinary regulatory functions, we help ensure that we have the most efficient and effective regulatory system possible. I look forward to learning more about the challenges with retrospective review and how best we can improve this important effort.

I think we all agree, for our nation to be successful, for our citizens to be able to work hard and provide for their families, for our nation to be safe and secure, we need a responsive regulatory system that produces the highest quality regulations. Retrospective review can help us meet that goal by improving or deleting older regulations which don’t meet their objectives anymore.

This is important not just for Executive Agencies, but for Congress as well. We need to make sure agencies look back at their work, so Congress can know that our Executive counterparts are the most efficient and effective way of accomplishing our legislative goals.

All this is why I am excited for today's hearing. I look forward to hearing from our witnesses, as well as my colleagues, as we continue to move forward in improving on our regulatory system, and finding common sense solutions to accomplishing our aligned regulatory interest.