

OPENING STATEMENT FOR SEN. HEIDI HEITKAMP

Regulatory Affairs and Federal Management Subcommittee Hearing
February 11, 2016:

“Examining Agency Discretion in Setting and Enforcing Regulatory Fines and Penalties”

Thank you Chairman Lankford for holding this hearing today, and giving us the opportunity to explore an integral topic in our regulatory system. I am interested in hearing from our witnesses today as we examine how regulatory enforcement is working on the ground to improve compliance, as we identify ways in which Congress and the Administration can work together to improve our regulatory system.

For our nation to be successful and safe, for our citizens to be able to work hard and provide for their families, we need a regulatory process that works for American businesses and families. That means we need have enforcement mechanisms to ensure that everyone is playing by the same set of rules.

To that end, fines, penalties, restitution orders and other sanctions are critical tools that the government has at its disposal to achieve compliance and deter wrongdoers from violating federal laws and regulations. Without such tools, agencies have very little leverage in ensuring the safety and health of our citizens and environment.

However, on the other side of the same coin, I believe that ensuring regulated entities have the necessary resources, and information to successfully comply with regulations should also be of the highest priority. Our aim should be to ensure that we have safe, healthy, and prosperous society. Fines and penalties are a tool to achieve these desired goals.

Therefore, I am also interested in learning how your agencies focus their energy and resources on compliance assistance programs, and ensuring that entities are aware of changes in the regulated industry.

Specifically, I would like to know how both of your agencies work with small businesses to ensure that regulatory requirements are clear, transparent, and accessible. I know that both of your agencies work closely with the Small Business Administration and their Ombudsman’s office to ensure that small business’s concerns are appropriately addressed.

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.