

November 5, 2015

Opening Statement of Senator James Lankford

**Homeland Security and Governmental Affairs Subcommittee on Regulatory Affairs
and Federal Management Hearing titled:**

“Agency Progress in Retrospective Review of Existing Regulations”

Good morning. This is the sixth in a series of hearings and roundtable discussions in which the Subcommittee continues to examine the issues and solutions surrounding today’s regulatory state. Today, we will hear from witnesses representing USDA, Labor, Interior and EPA about their agencies’ retrospective review programs: their progress reviewing existing regulations, the challenges they have encountered, and their next steps.

Every president since President Carter has urged agencies to initiate a retrospective review or “look-back” of their existing regulations. This Administration is no different; in 2011, President Obama issued Executive Order 13563. Executive Order 13563 directs agencies to develop and submit to OMB’s Office of Information and Regulatory Affairs a plan for periodic review of existing significant regulations to determine whether they should be modified, streamlined, expanded or repealed. In 2012, Executive Order 13610 urged agencies to take action to institutionalize regular assessment of significant regulations. However, experts have questioned how rigorous or effective these efforts have been.

Retrospective review of regulations is important. Changing circumstances and technological improvements may render some regulations outdated and ineffective. Initial agency estimates of potential costs and benefits of an action can prove incorrect. Therefore, we must ensure that agencies undertake retrospective reviews of current regulations so that we know they continue to serve the American people and consistently reflect the least burdensome option to achieve their desired effects.

Because retrospective review of regulations is so important, in July Ranking Member Heitkamp and I proposed legislation to ensure that agencies think about retrospective reviews from the outset. S.1817, The Smarter Regulations through Advance Planning and Review Act, would require agencies promulgating major rules to commit to a timeframe to review the regulation, a plan for that review, and the information they will collect to facilitate that review.

This is just one of three bipartisan common sense proposals that Senator Heitkamp and I proposed in July to improve the regulatory process and make it more accountable to the American people. All three proposals recently passed through committee with wide support.

Although we hope to strengthen retrospective reviews in the future, today we are here to discuss the current retrospective review effort and the progress agencies have made. We look forward to hearing from agency officials about their experiences and what else we could do to help facilitate these very important reviews. I appreciate our witnesses' written statements and look forward to their testimony.