

Sen. Heitkamp Opening Statement

Sept. 16 HSGAC Hearing: “A Review of Regulatory Reform Proposals”

Thank you Chairman Johnson and Ranking Member Carper for organizing this hearing today to allow us the opportunity to examine very important bills related to regulatory reform. I am very interested in our witnesses’ insights on the various bills we will discuss today, and looking forward to a robust discussion on how to improve our regulatory system to ensure we have the most efficient and effective process going forward.

I am especially excited to talk about a group of bills that I developed in concert with my subcommittee Chairman James Lankford. All three are strong bills that work to reduce red tape, make government more transparent and make sure regulations, and the regulatory process, are responsive to our constituents.

I am proud to lead the legislative effort on S. 1817, “The Smarter Regulations through Advance Planning and Review Act.” This a bipartisan and commonsense bill that would require 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.

Retrospective review of regulations is something that most everyone agrees is a good idea and has been part of the regulatory agenda of the past six administrations. Federal agencies have done good work with retrospective review, but more consistency in that effort will mean an improved system.

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, agencies should also prospectively develop a framework to examine whether the rule is meeting its regulatory objectives in the future.

By making retrospective review a part of your ordinary regulatory process, we help ensure that the regulatory system is as effective and efficient as possible. I appreciate the insight today’s witnesses will offer about 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 accomplishing their objectives. This effort is part of proper Congressional oversight.

All of 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.