



**United States Senate**  
**Committee on Homeland Security and Governmental Affairs**  
Chairman Joseph I. Lieberman, ID-Conn.

Opening Statement of Chairman Joseph Lieberman  
“Federal Regulation: How Best to Advance the Public Interest”  
Homeland Security and Governmental Affairs Committee  
April 14, 2011

The hearing will come to order. I thank everybody for being here. This is a hearing on “Federal Regulation: How Best to Advance the Public Interest.” The hearing is occasioned by an increased interest in regulatory reform. I don’t know that it ever goes away, but we have several pieces of legislation before this Committee on which we’ll hold a hearing in May.

We thought it would be important to convene this hearing with Cass Sunstein to really set the predicate for what’s to follow: both to discuss the values and concepts of law that are at play here—Mr. Sunstein is particularly well suited to do that based on his experience in this area—but also to discuss the initiative that President Obama took in January on regulatory reform.

This is another one of those issues where there’s probably more agreement than the tenor of the debate would indicate. I haven’t yet met anybody who doesn’t think there should be some regulation. Regulation emerges to implement laws that we pass.

One of the first major legislative experiences I had was in the amendments to the Clean Air Act in 1990, which fortunately were adopted on a broadly bipartisan basis. We were dealing with a subject so large we simply couldn’t deal with it in the law, so regulations followed to achieve our purposes and, in general, they need to be based in that exercise of Congressional authority.

I suppose the question is how it’s done and how effectively it’s done. Inevitably, regulations ask something of individuals, of businesses, etc. They impose requirements. Some people think that the requirements are burdensome and beyond what was intended by Congress.

No one ever argues for no regulation, just as no one argues for no law. It takes me back to the insight of the Talmud in which one of the rabbis says if there’s no government, unfortunately people would act like fish. The larger ones would eat the smaller ones.

That’s a bit vivid, but it makes the point that the law exists to make this a more orderly and fair society. The point, as always in this, is to find processes - in a government that’s very large and very complicated - that find the sweet spot, that regulate as little as possible to achieve the objectives of the laws Congress adopts.

Again, I can’t thank Cass Sunstein enough for being here because he’s perfectly situated by both his past and present to help us set the table for our focus on the legislative proposals that are before our Committee. The Office of Information and Regulatory Affairs, which Cass heads, is within the jurisdiction of this Committee’s governmental affairs portfolio. So, I thank you for being here, I look forward to the question and answer portion of the hearing, and now I will call on Senator Collins.