

**March 19, 2015**

**Opening Statement of Senator James Lankford**

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

**“Examining Federal Rulemaking Challenges and Areas of Improvement Within the  
Existing Regulatory Process”**

We are fortunate to have three witnesses who have been regulators, and one witness who faces regulations on a daily basis. I thank you for your thoughtful written testimony, and look forward to speaking with each of you.

Today’s hearing will focus on the federal government’s regulatory process. How does the regulatory process affect the quality, structure, efficiency, and accountability of agency rulemaking? Focusing on the process will enable this Subcommittee to view the forest through the trees of individual regulations.

Although federal regulations have undoubtedly conferred benefits to everyday Americans, it is clear that there are also regulatory excesses and significant burdens. With over 25,000 pages of proposed rules published annually in the federal register by many of the federal government’s 430-plus agencies, federal regulations today place a \$2 trillion dollar burden on the United States economy.

In other words, the regulatory burden today equals 12% of the nation’s gross domestic product. At some point individuals cannot make reasonable day to day decisions to advance their own family or business because they spend their time and treasure completing forms and federal requirements.

One simple way to ensure that the regulatory process benefits everyday Americans is to make sure that individuals have the opportunity to voice their opinions on all proposed regulations and make sure their comments are heard.

In fact, Congress required notice-and-comment in the rulemaking process: When an agency seeks to promulgate a rule, that agency must provide notice of its proposed rule in the Federal Register, and seek comment on the rule. In theory, notice-and-comment allows everyday Americans who are affected by regulations to participate with their government to develop the regulation. A government by the people and for the people should also hear and respond to the people when regulations are written.

In practice, however, many Americans feel that their voices are not adequately heard. Those without the resources to hire expensive attorneys, or those too far outside the Beltway to share their perspectives, feel that the notice and comment is not enough.

Today, I hope that we can discuss ways in which the federal government—whether it be individual agencies, or Congress—can better respond to individuals’ concerns.

The Subcommittee takes these concerns very seriously. In fact, I would like to announce, before we begin the hearing, a project that Ranking Member Heitkamp and I are working on together. Senator Heitkamp and I are designing a portal for the Subcommittee website, called “Cut Red Tape,” where we encourage Americans to tell us about how specific regulations that negatively affect them. We want to know if there are particular federal regulations that are onerous, out of date, lack common sense or have an enormous burden. I do not believe that our nation should have no regulations, but I do believe that regulations should be local whenever possible, limited in scope, and the least costly solution should be followed.

We hope to have this web based effort ready in the very near future and once it is up and running then the Subcommittee will collect and read all of the submissions, and we hope to highlight “regulatory stories” in the future as a way to address individuals’ particular concerns.

I look forward to discussing these issues with our members and witnesses today. With that, I will recognize Ranking Member Heitkamp.