

ONE HUNDRED TWELFTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
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**Statement of Rep. Henry A. Waxman**  
**Ranking Member, Committee on Energy and Commerce**  
**Discussion Draft of H.R. \_\_, the “Transparency in Regulatory Analysis of Impacts on the**  
**Nation Act of 2011”**  
**Subcommittee on Energy and Power**  
**April 7, 2011**

Mr. Chairman, the legislation before us today has a worthwhile purpose. We should always try to understand as fully as possible the ramifications of federal laws and regulations. Where regulations have a cumulative impact, that should be understood as well.

But it is important that we recognize the potential costs of over-analysis. We can reach a point where the costs to taxpayers of additional analysis exceeds its value. Our goal should be to strike the right balance.

We must also ensure that any analysis we require can be credibly executed. Ideally, we may want to know the effect of a proposed rule far into the future, but that may simply be too speculative an exercise to add value to the decisionmaking.

And we need to make sure any analysis is fair and objective. We can't look at just the costs of federal regulation without considering its benefits, just as we shouldn't look at only the benefits without considering the costs.

As we consider this proposal from these perspectives, I want to flag several issues. From a practical point of view, we need to make sure this bill is workable. In its current form, the legislation asks 12 Administration officials and one industry representative to collect and analyze information about actions that may or may not be taken by state and local governments, including 110 state and local permitting agencies, and project the impacts of those actions 20 years into the future. They are supposed to do this without staff, without the authority to collect information, and within 30 days.

Another issue to flag is balance. The draft requires an extensive analysis of regulatory costs. But we need to understand the benefits too, so Congress and the public get a balanced assessment of the value of the regulations.

Further, we need to be mindful not to duplicate what is already being done. For every final rule covered by this Act, the EPA has prepared a Regulatory Impact Analysis to satisfy the requirements of OMB policy, executive orders, and statutes including the Administrative

Procedure Act, the Paperwork Reduction Act, the Regulatory Flexibility Act, and the Small Business Regulatory Enforcement Fairness Act. We need to make sure we are not requiring redundant analysis.

Finally, this legislation creates new requirements for the executive branch without providing a specific authorization. It also does not offset these new requirements by relieving the agencies of other offsetting obligations.

These are some of the issues that will be in my mind as we consider this legislation today and in the weeks ahead. I look forward to hearing from today's witnesses and hope this legislation can be improved through the Committee process.