

**Statement Of Senator Patrick Leahy (D-Vt.),
Ranking Member, Senate Judiciary Committee,
Hearing of the Subcommittee on Oversight, Agency Action, Federal Rights
and Federal Courts on “Opportunity Denied: How
Overregulation Harms Minorities”
October 6, 2015**

We are a nation of laws, and regulations issued as a result of the statutes Congress passes are a fundamental part of our legal system. Regulations protect the quality of the air we breathe, the water we drink, the cars we drive, and the toys we give our children. They help ensure that consumers are protected, our financial markets are stable, our workplaces are safe and our environment is preserved. While we must always ensure that regulations are fair and tailored to achieve their goals, regulatory safeguards provide a vital tool for protecting American workers and consumers.

Today’s hearing focuses on the impact of regulation on minority populations, with the title concluding—before receiving a word of testimony—that “overregulation” is harming minorities. Several witnesses who are testifying before the Committee today disagree with that sweeping conclusion. So do I. Regulations have played a critical role in combating employment discrimination; deterring unfair lending practices; and promoting workplace safety. They are essential to protect minority and low-income communities that are disproportionately threatened by air pollution and the effects of climate change. There are many issues this Committee should focus on that are harming minority populations: the gutting of the Voting Rights Act; the loss of trust between law enforcement and the communities they police; unprecedented levels of incarceration that disproportionately impact minority youths. I reject blanket indictments of a policy tool that, in many instances, is being used to help level the playing field for minority communities.

This is an important time to consider the role that federal regulations play in protecting and promoting the public interest. For too long, this Committee has heard concerns about delays in the agency rulemaking process that are preventing agencies from fulfilling their statutory mandates. A recent study by the R Street Institute revealed that over the past 20 years, federal agencies have met less than half the rulemaking completion deadlines set by Congress; a problem caused in large part by the complex labyrinth of requirements that rulemaking entails. Such delays create uncertainty for businesses and defer important protections for consumers, workers, seniors and the environment. Yet instead of confronting this obvious problem, the Senate majority has chosen to focus its efforts on further hamstringing agencies’ ability to adopt these types of rules.

This week, legislation is being reviewed in another Committee of the Senate that would add more bureaucratic hurdles to agency rulemaking and impose new criteria by which industry stakeholders could challenge agency rules. As I wrote in a letter to the Chair and Ranking Member of that Committee last week, the Judiciary Committee has a strong interest in ensuring that rulemaking functions effectively, and that corporate stakeholders cannot unfairly use their resources to hold up important consumer protections in our federal courts.

We all have a responsibility to ensure that agencies are carrying out their mandates fairly and effectively. I hope that today's hearing will focus not just on anecdotes of regulations that some Senators may disagree with, but instead is an opportunity for thoughtful discussion about what we can do to promote the goal of effective laws that protect minority communities and all Americans.

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