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Opening Statement Rep. Elijah E. Cummings, Ranking Member

Hearing on "How a Broken Process Leads to Flawed Regulations"

September 14, 2011

I think every Member of our Committee would agree that creating jobs should be our Committee's number one priority. The question is whether we can develop bipartisan solutions we can all support. When I go home to my district, my constituents tell me we need to find common ground, we need to focus on concrete proposals, and we need to pass them now.

More than seven months ago, as one of my first actions as Ranking Member, I wrote to the Chairman requesting that the Committee hold hearings on an initiative proposed by President Obama in his State of the Union address. The proposal was to create jobs and strengthen the economy by investing in America's infrastructure.

This proposal was endorsed by both the U.S. Chamber of Commerce and the AFL-CIO. As I said at the time, "these are exactly the kinds of bipartisan, constructive initiatives our Committee and Congress should support."

When the Chairman decided not to hold this hearing, I placed my letter into the record during a hearing just like this one, which focused on repealing regulations. Since then, we have held 20 more hearings on regulations, but we have held few hearings on bipartisan proposals to create jobs.

In his speech to Congress and the Nation last week, the President renewed his call for bipartisan action on his infrastructure proposal to create jobs by rehabilitating homes, businesses, and communities; investing in a National Infrastructure Bank; modernizing 35,000 schools; and expanding access to high-speed wireless.

On Friday, I sent another letter to the Chairman urging the Committee to hold hearings on the President's infrastructure proposal, as well as other components of the American Jobs Act. I hope this Committee will hold these hearings, and I hope we can be part of a helpful, positive solution.

With respect to regulations, I support a balanced and thorough review designed to improve regulations. But as I have said before, I strongly believe that any responsible effort to review regulations must consider both the costs and the benefits.

Today, we will not hear a balanced view. Instead, we will hear a lopsided view about why some groups believe certain regulations are flawed. This approach narrows the information received by this Committee and serves neither the regulatory process nor the public interest. If a regulation is problematic, we should hear that. But to ignore the benefits only fuels cynicism about how we do business.

On a broader level, repealing health and safety regulations is no silver bullet. With all due respect to our witness from the Association of Reptile Keepers, repealing a so-called “job-killing” regulation to allow more pythons, boa constrictors, and anacondas into the United States is not the kind of bold, bipartisan solution Americans are looking for to help the economy.

I am also concerned that the Committee may be expanding its attacks on agencies charged with protecting American workers. This week, a witness was added to the hearing at the last minute. Apparently, he is a plaintiff in an ongoing lawsuit against the National Mediation Board who is objecting to rule changes under the Railway Labor Act. The District Court for the District of Columbia has already ruled against this plaintiff, but his case is scheduled for appeal next week.

In my opinion, it is time to work together and take action on proposals we should all be able to support.

Mr. Chairman, with this in mind, I want to ask if you and I can work together, and with other Members of the Committee, to develop a joint, bipartisan Committee report with recommendations to the Super Committee on reducing the debt and increasing jobs.

As you know, the law that established the Super Committee gave each Committee the option of submitting such a report by October 14. I think we could make a much more positive contribution if we submit one together with recommendations on which we all agree. Would you agree to consider this approach?

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