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The Need for Transparency

by Senator Mike Johanns

Patrick Henry, one of the greatest champions of American independence, once said, "The liberties of a people never were, nor ever will be, secure, when the transactions of their rulers may be concealed from them." Transparency and accountability is pivotal to the success of a representative democracy.

We are a nation of independence, founded on the idea of freedom from government rather than reliance on government. And while it does play an important role in keeping us safe and supporting the most vulnerable among us, the government should not meddle in every aspect of our daily lives. In instances where federal government involvement is necessary, its presence and scale of authority should be clearly defined and subject to public review. Its actions should be conducted in the open and its decisions should provide clarity and certainty to those affected.

It is this transparency that instills confidence that businesses will be able to operate free from unnecessary government obstruction, and have the tools needed to comply with smart regulatory changes. Greater confidence inspires greater creativity and commitment, which helps to drive the growth of our economy.

Unfortunately, one of the biggest concerns I continue to hear from constituents in many different industries is that an onslaught of rules and regulations from federal agencies has constricted their abilities to develop new innovations and create needed jobs. Since President Obama took office, more than 308,000 pages of new rules have been added to the Federal Register. That's enough paper to cover more than four and a half acres of farmland, and weighs more than three Ford F-150 pickups trucks.

Furthermore, some new requirements being handed down by these agencies are sidestepping important review and implementation practices needed to ensure transparency and accountability. The Environmental Protection Agency is one of the worst offenders, proposing roughly \$172 billion in compliance costs for new regulations last year alone. While it is important that we ensure our environment is adequately protected, the way EPA conducts business must change.

Although the contents of EPA's regulations are often problematic, the agency's regulatory processes are another great cause for concern. That's why I recently

introduced four bills to help clear the air with EPA's operation.

Agencies like EPA are supposed to work with states to implement regulations in a way that advances the common good, while respecting the unique qualities and practices of each state. But instead of fostering these types of partnerships, EPA has chosen to force all states to adopt one-size-fits-all federal enforcement plans.

EPA has also circumvented Congress by making major policy changes through guidance documents, which are not subject to Congressional review the same way rules are—a loophole that can be used to broaden the scope of existing law without following the standard rulemaking process. This backdoor approach to expanding authority bypasses safeguards intended to hold the agency accountable, and limits opportunities for legal review.

The legislation I introduced would address these issues and increase accountability at agencies like EPA. One bill would provide Congress greater oversight, by bringing federal agencies' guidance documents under the scope of the Congressional Review Act. A second piece of legislation would require EPA's Inspector General to report to Congress twice a year on the agency's progress in meeting regulatory reporting requirements in current law. A third bill would reduce EPA's budget by \$20,000 every week until the agency meets its legal deadlines for releasing its regulatory agenda-setting. And the final component would promote transparency and cooperation with state governments by requiring EPA to provide timely information and technical assistance to states working to comply with EPA mandates.

The American worker should be granted the space to freely operate, innovate and expand. A federal agency with the reach and influence of the EPA must focus on being transparent and cooperative in instances where regulations are needed.

We all benefit from increased transparency and accountability in government. It ensures government actions are truly in the best interest of the country and businesses operate fairly in a marketplace free from unnecessary obstacles. The federal government does not need to be adversaries with businesses or our states, but it's going to take increased transparency within regulatory agencies to build an environment of trust and collaboration.

