

Opening Statement
Legislative Hearing on H.R. 1493, "Sunshine for Regulatory Decrees
and Settlements Act of 2013"
Congressman Doug Collins (GA-09)
Friday, February 15, 2013
DRAFT - JL

Thank you Mr. Chairman. I appreciate you holding this hearing today and I look forward to hearing from our witnesses.

I ask unanimous consent to enter into the record a written statement from the Attorney General of the State of Georgia, Sam Olens. Mr. Olens was unable to be here today, but he is a tireless leader on this issue and I appreciate his support. *[without objection]*

In the 2004 *Frew v. Hawkins* decision, the U.S. Supreme Court expressed its concern that consent decrees may "improperly deprive future officials of their designated legislative and executive powers."

This potential for abuse, and the lack of transparency in the status quo, is why I believe so strongly in the need for this legislation.

H.R. 1493 addresses weaknesses in the current system while preserving consent decrees as an important mechanism for settling legal disputes.

Any argument as to the benefits of statutory deadline enforcement has no place in this policy discussion. As the sponsor of this legislation, I believe that the ability of citizens to hold government accountable is an important part of administrative law, but it must be appropriately carried out, with transparency and full public participation.

This legislation restores the balance and intent of the APA, and ensures that those who wish to subvert the rulemaking requirements in current law are unable to do so.

I am proud to represent the thriving agriculture community in Northeast Georgia and across the state. Farmers and ranchers back home are concerned by a recent settlement that has the potential to severely impact their livelihood.

In 2011 WildEarth Guardians (WEG) and Center for Biological Diversity (CBD) entered into an agreement binding Fish and Wildlife Services to deadlines for decisions on over 1,000 species under the Endangered Species Act.

Even though the agriculture community will be significantly impacted by this agreement, they were not allowed to participate in its development.

In addition, due to fee-shifting statutes that provide often-outrageous attorneys' fees to special interest groups, WildEarth Guardians (WEG) and Center for Biological Diversity together received almost \$300,000 in taxpayer dollars.

American families across the nation are tightening their belt. It is absolutely unacceptable that their hard-earned taxpayer dollars go to fund backroom deals that subvert the rulemaking process.

I particularly want to thank Mr. Puckett for being here, and I look forward to hearing from him, and all of our witnesses.