

**Statement of the Honorable John Conyers, Jr.
for the Markup of H.R. 2480, the "Administrative Conference of the United States
Reauthorization Act of 2011"
by the Committee on the Judiciary**

**Thursday, July 14, 2011, at 10:00 a.m.
2141 Rayburn House Office Building**

Today we will consider H.R. 2480, legislation reauthorizing the Administrative Conference of the United States.

As many of you know, the Conference makes recommendations to improve the efficiency and fairness of agency rulemaking and procedures that, in turn, save many millions of taxpayer dollars. There are several critical reasons why the Conference should be further reauthorized and well-funded.

To begin with, the Conference yields millions of dollars of cost-savings in return for a very nominal investment. The principal way the Conference has proven itself to be cost-saving bargain is that it works to improve agency performance and practices.

Among the Conference's past achievements were its efforts leading to the enactment of the Administrative Dispute Resolution Act. This Act established a framework for an optional voluntary approach to settling disputes in lieu of litigation and thereby saved millions of dollars for litigants and American taxpayers.

Just one agency alone – the Social Security Administration – estimates that the Conference's recommendation to change that agency's appeals process resulted in about \$85 million in savings.

- Cost-saving projects currently underway at the Conference include the following:
- A study on the use of video hearings in administrative agencies and how they can generate significant savings.
 - A study focusing on the legal and logistical issues presented by transitioning from a paper-based system to an electronic system for handling rulemaking comments.
 - An examination into how international regulatory cooperation could be improved and lead to trade harmonization.

Second, the Conference can play a major role as an "honest broker" in the current debate on regulatory reform. Unlike virtually any other entity in Washington, DC, the Conference provides a truly independent, nonpartisan, and constructive environment where some of the Nation's leading policy makers, academics and practitioners can share their expertise and experience in crafting recommendations.

My final point is that the Conference is unique and irreplaceable. By reauthorizing the Conference, we are making an investment in our Nation's future. Those are not just my sentiments.

In what is truly a rare instance of unanimity, both Justice Scalia and Justice Breyer concur with them as well. In July 1995, Justice Scalia extolled the Conference's "substantial benefits" even at "a time of budget constraints," much like now. At a hearing before this Committee in 2004, he observed that the Conference was an "enormous bargain." At that same hearing, Justice Breyer discussed the "huge" savings that have resulted from the Conference's recommendations. And, at a hearing before this Committee in the last Congress, Justice Breyer cited how the Conference serves "an important purpose – improving our government, in many ways beneficial to the average American – at low cost."

Historically, the Conference has always been a nonpartisan resource providing critical guidance to Congress, the President and the federal agencies and there are many significant and pressing issues in our current administrative law environment that on which the Conference could provide coherent guidance.

These include striking the proper balance between privacy and national security concerns, encouraging public participation in the rulemaking process, and devising ways to make agencies more cost-effective and efficient.

Accordingly, I urge my colleagues on both sides of the aisle to support reauthorization of the Conference and to ensure that it is sufficiently funded to fulfill its important mission.