



Office of Management & Budget
Office of Information and Regulatory Affairs (OIRA)

Office of the Federal Register
Agency Liaison Conference

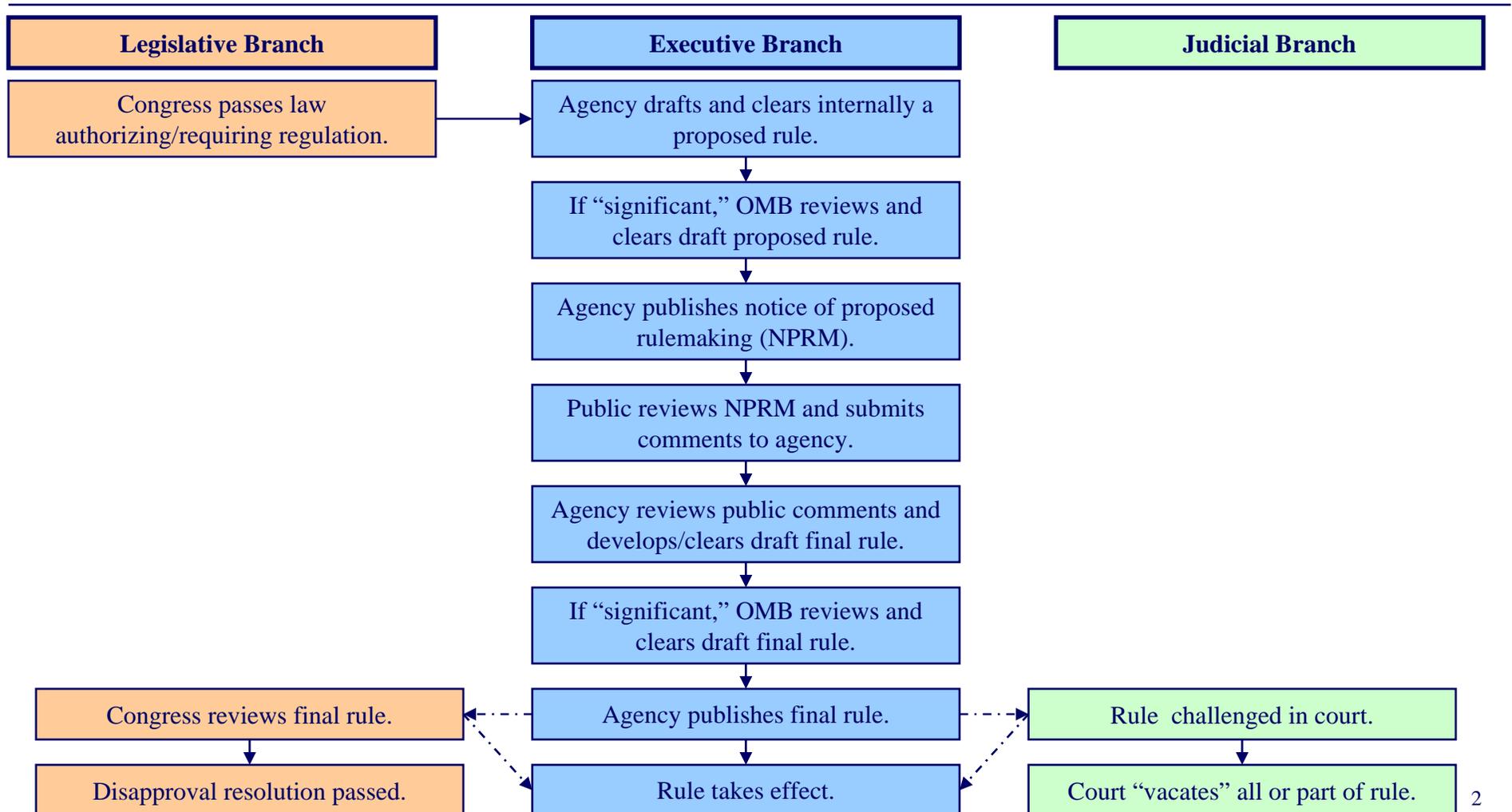
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Office of Management and Budget - Overview

- ❑ Assists the President in the development and implementation of budget, program, management, and regulatory polices.
 - ❑ Develops the President's annual budget submission to Congress.
 - ❑ Assists the President in managing the Executive Branch, developing the Administration's position on legislation before Congress and executing the law.
 - ❑ Provides high quality regulatory analysis.

- ❑ History
 - ❑ 1921: Bureau of the Budget (BoB) established within the Treasury Department.
 - ❑ 1939: BoB moved from Treasury to the Executive Office of the President.
 - ❑ 1970: BoB reorganized into the Office of Management and Budget.
 - ❑ 1980: Office of Information & Regulatory Affairs (OIRA)

Federal Rulemaking Process



Regulatory Transparency and Accountability

- ❑ Each Branch of Government has a Role
 - ❑ Agencies demonstrate to OMB, acting as an advisor to the President, that their regulatory analysis is of high quality and supports a finding that the regulation is likely to maximize net benefits and is in compliance with the law.
 - ❑ After OMB concludes its review of a regulation and it is published in the *Federal Register*, Congress reviews it under the Congressional Review Act.
 - ❑ After a rule goes into effect, affected parties can bring suit against the agency issuing the rule to have the courts reverse or mandate it back to the agency because the agency violated the APA's process requirements, the statute that authorized the rule, or the U.S. Constitution.
 - ❑ The Regulatory Right-to-Know Act requires OMB to issue a report to Congress each year estimating the costs and benefits of regulations in the aggregate, by agency and agency program, and by regulation.

Centralized Management and Leadership

- ❑ Role of the Office of Information and Regulatory Affairs
 - ❑ OIRA was established by the Paperwork Reduction Act of 1980, partially in response to the explosion in regulation that occurred in the 1970s and earlier in the U.S.
 - ❑ As part of the Office of Management and Budget, OIRA is a central body that has special standing with the agencies.
 - ❑ OIRA manages and coordinates Federal rulemaking, and oversees Federal information management, statistical policy, and information technology policy.

Centralized Management and Leadership

- ❑ Presidential Executive Order 12866
 - ❑ Executive Order 12866 on Regulatory Planning and Review governs OMB's oversight of agency rulemaking, requiring OMB review of "significant" agency regulatory actions.
 - ❑ Agencies submit draft significant regulations (both proposed and final) to OIRA for an up-to-90-day review before publishing them in the *Federal Register*.
 - ❑ OIRA reviews 500-700 regulations per year—those we determine to be significant—out of about 2,200 that are issued.
 - ❑ About 70-100 of the regulations reviewed are "economically significant" (over \$100 million per year in economic effects).
 - ❑ During our review, we examine the RIA and the regulation and make suggestions to improve both the RIA and the rule's cost-effectiveness and to make sure that it comports with the Executive Order's principles and the President's priorities.
 - ❑ If the agency refuses to make changes or needs more time to make the changes, we can return the rule to the agency for reconsideration.

Regulatory Impact Analysis

❑ Basic Goals

- ❑ Maximize net benefits to society—or at least ensure that benefits justify costs.
- ❑ Promote economic efficiency by regulating only where markets fail, and when regulating, by using cost-effective and market-based approaches.
- ❑ Increase the transparency of the regulatory system.

❑ Elements of a Regulatory Impact Analysis

- ❑ Statement of need for the proposed rule that identifies the nature and significance of the problem (e.g., identification of the market failure).
- ❑ Examination of alternative approaches to addressing the problem.
- ❑ Analysis of the costs and benefits of each alternative.

Regulatory Impact Analysis

Useful Information That the Public Can Provide

- Information on current, private sector practices for purposes of correctly identifying the “baseline” against which regulatory impacts are measured.
- Data to support/refute an agency’s cost, burden, or benefit estimates.
- Additional data representing the best reasonably obtainable scientific, technical, economic, and other information.
- Identification of reasonable alternatives to achieving regulatory objectives.

Paperwork Reduction Act (PRA)

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- The PRA provides that agencies are to “ensure that the public has timely and equitable access to the agency’s public information, including...encouraging a diversity of public and private sources for [government] information...” 44 U.S.C. 3506 (d)(1)
- In so doing, agency shall “not, except when specifically authorized by statute –
- A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information to the public;
- B) restrict or regulate the use, resale, or redissemination of public information by the public
- C) Charge fees or royalties for resale or redissemination of public information; or
- D) establish user fees for public information which exceed the cost of dissemination”.

These provisions represents a broad political consensus that government information is a public asset and a valuable national resource to be broadly shared without restriction or excessive charges. The sentiment that taxpayers should not be charged a second time by their government for information their taxes have already paid for.

References

- ❑ **Regulatory Information:** www.whitehouse.gov/omb/inforeg_regmatters/
 - Recommendations for a New E.O. on Regulatory Review
 - General Information
 - Good Guidance Practices
 - RegInfo.gov
 - Regulations.gov
 - Regulatory Review
 - Meetings and Outside Communication
 - OIRA Policies and Practices
 - OIRA Reports in XML Format
 - Reports to Congress

- ❑ **Administrative Procedure Act:** www.archives.gov/federal-register/laws/administrative-procedure/

- ❑ **January 30, 2009: President's Memo "Regulatory Review"** www.whitehouse.gov/the_press_office/Revocation-Of-Certain-Executive-Orders-Concerning-Regulatory-Planning-And-Review/a

- ❑ **January 21, 2009: President's Memo "Transparency and Open Government":** http://www.whitehouse.gov/the_press_office/Transparency_and_Open_Government/

- ❑ **Regulatory Analysis, Circular A-4:** www.whitehouse.gov/omb/circulars_a004_a-4/

- ❑ **Paperwork Reduction Act:** www.archives.gov/federal_register/public_laws/acts.html#pra



Thank you.