



## H.R. 1009 – OIRA Insight, Reform, and Accountability Act (Mitchell, R-MI)

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### FLOOR SCHEDULE:

Expected to be considered on Wednesday, March 1, 2017 under a structured [rule](#).

### TOPLINE SUMMARY:

[H.R. 1009](#) would establish a formal process for review of agency regulatory actions by the Office of Information and Regulatory Affairs within the Office of Management and Budget. OIRA would be charged with ensuring regulatory actions are consistent with law, not in conflict with other agency actions, are the most cost effective, and least burdensome method of addressing identified problems. The bill would also establish a regulatory review working group chaired by the OIRA Administrator and require the publication of unified agenda of federal regulatory actions in progress.

### COST:

No Congressional Budget Office (CBO) estimate is available.

### CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** The bill would direct the OIRA Administrator to establish guidelines for federal agencies to comply with the requirements of the bill.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

### DETAILED SUMMARY AND ANALYSIS:

The Office of Information and Regulatory Affairs (OIRA) was established within the Office of Management and Budget (OMB) by the Paperwork Reduction Act of 1980 to manage the collection of information by government agencies. Under several executive orders, most recently [Executive Order 13563](#), subsequent administrations have used OIRA to review and control regulatory activities at federal agencies. H.R. 1009 would codify the OIRA regulatory review process, and would more specifically detail the components of that process.

The bill would require agencies to submit significant regulatory actions to OIRA for review as to whether the agency complied with necessary requirements, including: identifying what problem the regulation is to address; determining if existing regulation or law contributed to the problem; evaluating alternatives to direct regulation; designing the regulation in the most cost-effective manner; coordinating with state, local, and tribal governments; avoiding conflicts or duplication with other federal regulation; and drafting the regulation so that it is simple to

understand and minimizing uncertainty and potential for litigation. Many of these requirements mirror existing OIRA standards under executive order.

OIRA would generally have 90 days to complete review of a regulatory action. For preliminary action, reviews would last no more than 10 days, and for regulations that have received previous OIRA action, reviews would last no more than 45 days. OIRA could extend each review period by up to 30 days. Upon completion of the review, OIRA would publish the results of the review and agency submitted materials online within three days. The bill would also require the disclosure by OIRA of all substantive communication regarding regulatory actions with individuals who are not employed by the executive branch.

H.R. 1009 would also require each federal agency to submit a regulatory plan to OIRA by June 1 of each year, listing all significant regulatory actions the agency expects to act on in the following fiscal year. The plan must contain a summary of and legal basis for each action, as well as a statement of need and contact information for a knowledgeable agency employee that can be contacted by the public for each action. Further, agencies would be required to submit a retrospective review to identify regulations that are unjustified, unnecessary, duplicative, or overly burdensome. OIRA would also be required to coordinate with outside entities to identify outdated or overly burdensome regulations for review.

H.R. 1009 would further direct agencies to submit a detailed agenda of regulations under development or review twice a year, by April 1 and October 1. OIRA would be directed to compile a single unified agenda of such regulatory actions by April 15 and October 15 of each year. The OIRA Administrator would be directed to issue guidance for agencies on the required contents of the agenda.

Finally, H.R. 1009 would establish a Regulatory Working Group, chaired by the OIRA Administrator and composed of agency heads from each agency the administrator determines to have significant regulatory responsibility. The working group would be charged with serving as a forum to assist agencies in improving regulatory processes and methodologies, and would meet at least quarterly.

## **AMENDMENTS:**

1. [Rep. Mitchell \(R-MI\)](#) – **Manager’s Amendment** – This amendment makes a number of minor changes to the legislation. First, it shifts the deadline for submitting unified agenda items to March 15 and September 15 of each year. Second, the amendment eliminates the 24-hour requirement for agency heads to submit redline changes to regulations, and instead requires changes to be submitted as soon as practicable. Third, the amendment eliminates the 3-day time frame for publication of OIRA review, and instead requires publication by not later than when the regulatory action is published in the Federal Register or otherwise made public. Forth, the amendment adds a definition of regulatory action to include any action promulgating or likely to lead to promulgating a regulation, as well as any generally applicable statement concerning statutory or regulatory interpretation. Finally, the amendment makes technical corrections to language in several places in the bill.
2. [Rep. Buck \(R-CO\)](#) – This amendment would make a number of changes aimed at ensuring agencies coordinate and cooperate with state, local, and tribal governments. Specifically, the amendment would: add an additional purpose to the regulatory working group to evaluate methods used to ensure agencies coordinate with state, local, and tribal governments; require agency regulatory plans to include a plan for such coordination; and, require that agency regulatory review submissions include an explanation of efforts to coordinate with state, local, and tribal governments.
3. [Rep. Young \(R-IA\)](#) – This amendment would require agency regulatory plans to include a description of action taken to ensure new planned regulatory actions are not duplicative. The amendment would also require agencies to maintain a list of active regulatory actions, their regulatory plan, and disclosures on their websites.

4. [Rep. Meadows \(R-NC\)](#) – This amendment would require agencies to maintain a log of any pre-review consultation with OIRA, including the names of officials involved, and require the publication of this information as part of the agencies publications in the Federal Register.
5. [Rep. Chaffetz \(R-UT\)](#) – This amendment would require OIRA to maintain records on all significant regulatory actions it reviews in a manner that is easily accessible and producible to Congress.
6. [Rep. Connolly \(D-VA\)](#) – This amendment would exempt [independent regulatory agencies](#) from the requirements of the bill. Independent regulatory agencies include, for example, the Federal Election Commission, the Consumer Financial Protection Bureau, and the National Labor Relations Board.

### **COMMITTEE ACTION:**

This bill was introduced by Representative Mitchell and referred to the House Committee on Oversight and Government Reform. The committee held a markup on February 14, and reported the bill by a vote of 23-16.

### **ADMINISTRATION POSITION:**

A Statement of Administration Policy can be found [here](#)

### **CONSTITUTIONAL AUTHORITY:**

According to the sponsor: Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 18 to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers