

President Biden Nominates OIRA Administrator

September 22, 2022

On September 2, 2022, President Biden [announced](#) his intention to nominate [Richard Revesz](#) as administrator of the [Office of Information and Regulatory Affairs \(OIRA\)](#) in the [Office of Management and Budget \(OMB\)](#). OIRA is best known for its role in reviewing federal regulations. Since 1981, OIRA has reviewed most agencies' regulations before they have been issued. OIRA also plays an important role in implementing federal regulatory policy.

This Insight provides a brief history of OIRA and describes its current role in federal regulatory policy. It then provides information on Senate consideration of past nominations to the position of administrator.

In addition to its regulatory activities, OIRA oversees matters related to information policy, statistical policy, and privacy. For more information about those functions, see CRS Report RS21665, *Office of Management and Budget (OMB): An Overview*, coordinated by Taylor N. Riccard.

Overview of OIRA

Congress established OIRA (pronounced “oh-eye-ruh”) within OMB in the [Paperwork Reduction Act \(PRA\)](#) of 1980. The PRA established OIRA to oversee and enforce government-wide efforts to reduce the federal paperwork burden. To achieve that goal, the [PRA tasked OMB and OIRA with reviewing and approving federal agencies' collections of information](#)—for example, government surveys, tax forms, and regulatory reporting requirements.

Congress created an administrator, who was originally to be appointed by the OMB director, to head OIRA. In 1986, however, following some [disagreements over regulatory policy between the Reagan Administration and Congress](#), Congress [made the position](#) subject to Senate advice and consent. The position was filled by a Senate-confirmed appointee for the first time [in 1988](#).

OIRA's History and Role in Reviewing Regulations

OIRA's responsibilities were greatly increased in early 1981 when President Reagan issued [Executive Order \(E.O.\) 12291](#), which required most federal agencies—other than “[independent regulatory agencies](#),” such as the Securities and Exchange Commission—to submit their regulations to OIRA for

Congressional Research Service

<https://crsreports.congress.gov>

IN12020

review and approval before issuing them. It also required agencies to conduct [cost-benefit analysis](#) for “major” rules (rules expected to have at least \$100 million of economic impact) and stated that the benefits of each regulation must outweigh the cost. While presidential review of regulations has largely come to be seen as the norm since 1981, at the time, establishing centralized OIRA review of regulations was a somewhat [controversial](#) exercise of presidential power.

In 1993, President Clinton issued [E.O. 12866](#), which limited OIRA review to “significant” rules. “[Significant](#)” rules, as defined by the order, include those that have economic significance, may affect the federal budget, or “raise novel legal or policy issues.” E.O. 12866 remains in effect today.

OIRA review has three main components. First, the office reviews the content of each rule to ensure that it is consistent with the President’s policy preferences. Second, if a rule is “economically significant”—[generally, having an annual effect on the economy of \\$100 million or more](#)—the agency must conduct [a cost-benefit analysis](#). OIRA reviews the analysis for compliance with OMB’s principal guidance document on regulatory analysis, [Circular A-4](#). Third, OIRA then coordinates an [interagency review process](#) with other interested agencies, including other entities within the Executive Office of the President such as the White House counsel.

OIRA can exert considerable influence over regulations, ensuring that federal agencies’ actions are consistent with the President’s policy preferences. Information about regulations previously or currently under review at OIRA can be found [on OIRA’s website](#).

OIRA’s Role in Implementing Regulatory Policy

OIRA is also responsible for carrying out the regulatory policy goals of the Administration. For example, OIRA issued [guidance in 2017](#) implementing former President Donald Trump’s [regulatory one-in, two-out policy](#) (which President Biden later [revoked](#)). OIRA has not issued publicly available guidance implementing President Biden’s regulatory agenda, which he announced on his first day in office in a [presidential memorandum](#).

Timing of Senate Consideration of Past Nominations

Table 1 below lists confirmed and recess-appointed OIRA administrators who served after 1986, when Congress [amended the PRA](#) to require presidential appointment with Senate advice and consent. It does not include administrators who served on a temporary, acting basis.

Table 1. Timing of Senate Consideration of Nominations to the Position of Administrator of the Office of Information and Regulatory Affairs (OIRA)

Administrator	Date Nomination Received in Senate	Date of Hearing	Date Ordered Reported	Date of Senate Confirmation
Richard L. Revesz	09/12/2022	09/29/2022 (scheduled)	—	—
Paul J. Ray	10/15/2019	12/04/2019	12/17/2019	01/09/2020
Neomi Rao	05/18/2017	06/07/2017	06/21/2017	07/10/2017
Howard A. Shelanski	04/25/2013	06/12/2013	06/24/2013	06/27/2013

Cass R. Sunstein	04/20/2009	05/12/2009	05/20/2009	09/10/2009
Susan Dudley (recess appointed)	08/01/2006	11/13/2006	—	04/04/2007 (date of recess appointment; nomination was not confirmed by the Senate)
John D. Graham	03/28/2001	05/17/2001	05/23/2001	07/19/2001
John T. Spotila	01/07/1999	04/29/1999	05/20/1999	07/01/1999
Sally Katzen	04/21/1993	05/19/1993	05/26/1993	05/28/1993
S. Jay Plager	04/19/1988	06/14/1988	06/27/1988	07/12/1988

Source: Congress.gov nominations database.

Notes: This table does not include acting administrators.

As the table shows, President Biden’s first nomination for OIRA administrator, in September of the second year of his Administration, was submitted later than has been typical for a new President. The four other nominations in the table that were a President’s first OIRA administrator were nominated within a few months of inauguration and confirmed soon thereafter. Former OIRA administrators and others have [suggested](#) that this timing might negatively impact the President’s regulatory agenda.

Author Information

Maeve P. Carey
Specialist in Government Organization and Management

Kathleen E. Marchsteiner
Senior Research Librarian

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS’s institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.