

**Opening Statement of Ranking Member Gerald E. Connolly (VA-11)**  
**Joint Hearing of the Subcommittees on Government Operations &**  
**Health Care, Benefits, and Administrative Rules**  
*“Challenges Facing OIRA in Ensuring Transparency and Effective Rulemaking”*  
**March 3, 2015**

Thank you, Mr. Chairman, and welcome Administrator Shelanski.

The Office of Information and Regulatory Affairs is the most important, influential, and consequential Federal agency that most Americans have never heard of.

No agency comes near OIRA [“oh-I-ra”] with respect to the far-reaching authority that this relatively small and anonymous office wields over vital Federal rules that impact our Nation’s economy, environment, and public health and safety.

OIRA plays a key role in shaping hundreds of important rules, such as those that enhance the safety of our drinking water, protect our food supply, guarantee buildings are accessible to the disabled, and protect the homeland, to name just a few important topics.

Yet, despite the powerful impact this agency has on the lives of all Americans, OIRA operates mostly in the shadows, and from a good government point of view, greater transparency is urgently needed. There is a documented lack of transparency with this small statutory office housed within the Office of Management and Budget.

Over the years, the U.S. Government Accountability Office (“GAO”) has repeatedly found that OIRA, under multiple Administrations, failed to meet the

laudable transparency requirements contained in the relevant Executive Orders that prescribe the principles and procedures OIRA should follow when conducting regulatory reviews.

Worse, despite GAO issuing a comprehensive set of recommendations in 2003 to address OIRA's transparency challenges, to date, OIRA appears to have only implemented one of the nine GAO recommendations.

Thus, when a Federal agency promulgates a rule, or fails to promulgate a rule, it is entirely possible that the public, and the Congress which wrote the underlying statute, will have no idea what entity or individual is ultimately responsible for the final regulation.

To be fair, enhancing transparency has been a stated goal of the last few OIRA Administrators. Indeed, Administrator Shelanski has made progress in this area; however, much work remains to be done.

There should be broad, bipartisan consensus that the public has the right to know why OIRA classifies certain rules as, quote "major rules."

That the public has the right to know why some rules sit under OIRA review for two years when the review was supposed to take only 90 days.

And finally, that the public also has the right to know who is weighing in on these regulations and the nature of those deliberations.

Often the modifications and revisions that result from the machinations of the rapidly growing cottage industry known as "shadow lobbying" have as great an impact on an agency's action as the actual letter of the law.

In closing, I do want to recognize that OIRA boasts an incredibly hard-working and dedicated corps of career staff that is first-rate when it comes to conducting quantitative analysis that weighs complex economic costs against potential benefits.

As the *2014 Draft Report to Congress on the Benefits and Costs of Federal Regulations* demonstrates, OIRA's reviews ensured that in 2014, the annual benefits of major rules dramatically outweighed the monetary costs.

OIRA should be commended for conducting retroactive analyses of existing rules that may be outdated or unnecessarily burdensome, and in need of more effective and innovative solutions.

Once again, I want to thank Administrator Shelanski for testifying.

I look forward to hearing how OIRA will continue promulgating cost-effective rules and examining what steps Congress can take to ensure that regulatory review transparency is vastly improved in the coming years.