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**TESTIMONY OF HOWARD SHELANSKI
ADMINISTRATOR FOR THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS
OFFICE OF MANAGEMENT AND BUDGET
BEFORE THE HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
UNITED STATES HOUSE OF REPRESENTATIVES**

April 19, 2016

Chairman Chaffetz, Ranking Member Cummings, and Members of the Committee:

I appreciate the opportunity to appear before you today. The Office of Information and Regulatory Affairs (OIRA) is a statutory part of the Office of Management and Budget (OMB) within the Executive Office of the President and serves as the U.S. Government's central authority for the review of Executive Branch regulations. As Administrator of OIRA, I believe strongly in the importance of Congressional oversight and the value that Congress provides in ensuring that OIRA, OMB and the Administration are working in the most effective and efficient way on behalf of the public. I am committed to working with Congress and this Committee to be transparent about the OIRA rulemaking review process and provide the information this Committee needs to conduct its lawful oversight functions. OIRA works with OMB's Office of Legislative Affairs, Office of the General Counsel and other offices within OMB to respond to Congressional requests for information, briefings, and documents relating to issues under OIRA's purview and OMB as an organization strives to provide transparent responses to those Congressional inquiries in a timely manner.

OIRA has a broad portfolio that ranges from coordination of Government-wide information and statistical policy to review of Executive Branch regulations to international regulatory cooperation. Pursuant to Executive Order 12866 and Executive Order 13563, OIRA is

responsible for coordination and review of all significant Federal actions issued by executive departments and agencies. Both E.O. 12866 and E.O. 13563 set forth standards and analytic requirements for rulemaking by departments and agencies, and call for agencies to regulate only when the benefits of a rule justify its costs, to the extent permitted by law. Overall, OIRA works under long established principles that have been implemented across several Administrations of both parties.

OIRA is a relatively small office of approximately 50 employees situated within OMB. The sheer volume of work the dedicated OIRA staff does related to rulemakings, information collections, and other matters on behalf of the public is truly impressive. In 2015 alone, OIRA reviewed over 400 rulemakings, over 2,800 information collections, and held hundreds of meetings at the request of stakeholders of all kinds, including numerous phone calls and meetings with Members of Congress and their staff at their request. We are committed to maintaining the integrity and legitimacy of regulatory review and ensuring the process is accessible and responsive.

The Committee has asked me to testify today about its request for information relating to OIRA's review of the Clean Water Rule: Definition of "Waters of the United States" that the Environmental Protection Agency and the Department of the Army finalized last year. Since this Committee's initial request and subsequent subpoena, OIRA has worked with others within OMB in a good faith effort to respond to the Committee's requests related to this rule. To that end, we to date have provided eight sets of responsive documents to the Committee. These productions have so far provided the Committee with over 6,400 pages of documents, the vast majority of which consist of non-public information. We have made these productions to the Committee without any substantive redactions. Our most recent production to the Committee on April 7, 2016 was our largest to date. Additionally, we have committed to continuing to provide regular productions to the Committee as we continue working through our review to identify responsive information.

We have also voluntarily agreed to a number of transcribed interviews of OIRA officials. To date, the Committee has interviewed two senior OIRA officials involved with review of the rule.

I have also agreed to participate in a transcribed interview, which I understand is currently being scheduled. This is also my second time testifying before this Committee on its interest in OIRA's review of the Clean Water Rule within a little over a month. OMB's Associate Director for Legislative Affairs also testified before this Committee in January of this year on the same topic.

In short, OMB is working diligently to satisfy the Committee's requests and answer your questions concerning OIRA's review of the Clean Water Rule. We remain committed to Congress's oversight process and look forward to continuing to work cooperatively with the Committee.

Thank you again for your time and attention. I would be pleased to answer any questions you may have.

Howard A. Shelanski

Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget

Howard A. Shelanski was previously the Director of the Bureau of Economics at the Federal Trade Commission (FTC) and a professor at Georgetown University Law Center. From 2011 to 2012 he was Of Counsel to the law firm Davis, Polk & Wardwell. He was also the Deputy Director for Antitrust in the FTC's Bureau of Economics from 2009 to 2011. Mr. Shelanski was on the faculty at the University of California at Berkeley from 1997 to 2009. He served as Chief Economist of the Federal Communications Commission from 1999 to 2000 and as Senior Economist for the President's Council of Economic Advisers at the White House from 1998 to 1999. He was an associate with Kellogg, Huber, Hansen, Todd & Evans from 1995 to 1997. He served as a clerk for Justice Antonin G. Scalia of the United States Supreme Court, for Judge Louis H. Pollak of the U.S. District Court in Philadelphia, and for Judge Stephen F. Williams of the U.S. Court of Appeals for the D.C. Circuit. Mr. Shelanski received a B.A. from Haverford College, and a J.D. and Ph.D. from the University of California at Berkeley.