



**EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503**

January 12, 2015  
(House Rules)

## **STATEMENT OF ADMINISTRATION POLICY**

### **H.R. 185 – Regulatory Accountability Act of 2015**

(Rep. Goodlatte, R-VA, and nine cosponsors)

The Administration is committed to ensuring that regulations are smart and effective, that they are tailored to advance statutory goals in the most cost-effective and efficient manner, and that they minimize uncertainty. Accordingly, the Administration strongly opposes House passage of H.R. 185, the Regulatory Accountability Act of 2015. The Regulatory Accountability Act would impose unprecedented and unnecessary procedural requirements on agencies that would prevent them from efficiently performing their statutory responsibilities. It would also create needless regulatory and legal uncertainty and further impede the implementation protections for the American public. This bill would make the regulatory process more expensive, less flexible, and more burdensome -- dramatically increasing the cost of regulation for the American taxpayer and working class families.

The Regulatory Accountability Act would impose unnecessary new procedures on agencies and invite frivolous litigation. When a Federal agency promulgates a regulation, it must already adhere to the requirements of the statute that it is implementing. In many cases, the Congress has mandated that an agency issue a particular rule or regulation, and it often prescribes the process an agency must follow. Agencies must also adhere to the robust and well-understood procedural and analytical requirements of the Administrative Procedure Act, the Regulatory Flexibility Act, the Unfunded Mandates Reform Act, the Paperwork Reduction Act, and the Congressional Review Act. Furthermore, agency rulemaking has long been governed by Executive Orders issued and followed by administrations of both political parties. These Executive Orders require that agencies promulgate regulations only after considering regulatory alternatives, determining that the benefits of the regulations justify the costs, and establishing that the new regulations encourage regulatory flexibility. Lastly, any final regulation is subject to judicial review to ensure that agencies satisfy the substantive and procedural requirements of all applicable statutes and consider input from the relevant stakeholders.

Passage of H.R. 185 would replace this established framework with layers of additional procedural requirements that would undermine the ability of agencies to execute their statutory mandates. It would require cumbersome “formal” rulemaking for a new category of rules, for which agencies would have to conduct quasi-adjudicatory proceedings. It would require unnecessary Advance Notices, beyond the standard notice and comment already required, for a large number of rules, and other unnecessary procedural steps that seem designed simply to impede the regulatory development process. It would impose unnecessary new evidentiary standards as a condition of rulemaking. It would subject the regulatory process to unneeded rounds of litigation. And the Regulatory Accountability Act would undermine the Executive Branch’s ability to adapt regulatory review to changing circumstances.

In these ways and others, the Regulatory Accountability Act would impede the ability of

agencies to provide the public with basic protections, and create needless confusion and delay that would prove disruptive for businesses, as well as for State, tribal, and local governments.

If the President were presented with the Regulatory Accountability Act, his senior advisors would recommend that he veto the bill.

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