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OMB RELEASES FALL 2014 REGULATORY AGENDA

The White House Office of Management and Budget's Office of Information and Regulatory Affairs has released its semi-annual [Unified Regulatory Agenda and Regulatory Plan for Fall 2014](#), covering more than 60 Federal departments, agencies, and commissions. The Agenda lists 23 significant new actions. The previous Agenda, released earlier this year, identified 21 significant new actions.

Over the next two years, the Obama Administration can be expected to vigorously exercise its regulatory agenda for the final leg of President Obama's term in office. We expect to see continued activity on an array of regulatory matters, including health care, financial services, and the environment, as a result of the Affordable Care Act, the Dodd-Frank Wall Street Reform Act, and the decades-old Clean Air Act and Clean Water Act.

With Republicans now in control of both the House and Senate, opposition to the president's regulatory agenda will likely see an uptick in the number of oversight hearings, with the GOP also seeking to use its new congressional majority to block some regulatory actions, either through the legislative process or by withholding funds.

The Congressional Review Act (CRA) became law in 1996 and empowers Congress to review new regulations through an expedited process and to overrule a regulation via passage of a Joint Resolution of Congress. While seemingly powerful in scope, the CRA has only been used successfully one time when Congress overruled a Labor Department rulemaking related to ergonomics in 2001.

Last year, the House of Representatives passed the "Regulations From the Executive in Need of Scrutiny (REINS) Act" which takes the opposite approach of the CRA, requiring that Congress approve any new regulation before it can be implemented. Senator Rand Paul (R-KY) introduced a companion bill in the Senate that has not moved out of committee. With control of both chambers in the hands of the GOP for the next congress, the REINS Act or similar legislation will likely be reintroduced, although the prospects for final passage and signature into law are low.

The real challenge for the Administration's regulatory agenda could be in the appropriations process, where Republicans can use their majorities to withhold funds from the implementation of a particular rule of which they disapprove.

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