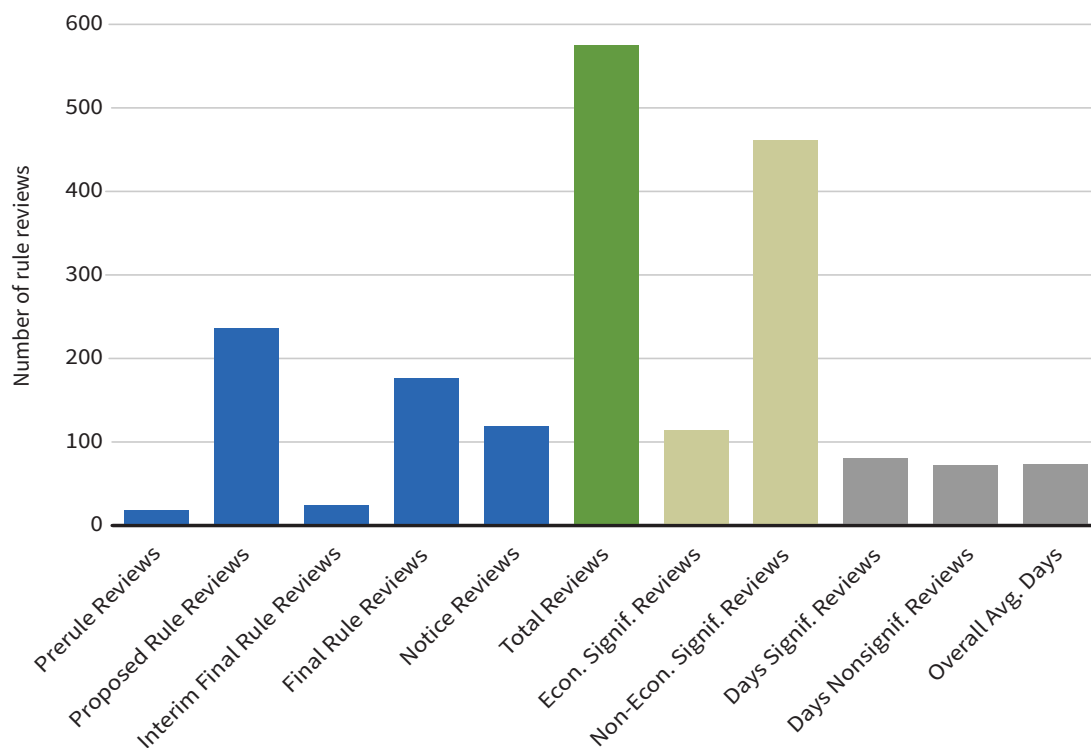


A note on rule reviews at OMB's Office of Information and Regulatory Affairs

Yesterday's rule review, where the review authority sought to restrain government intervention and minimize costs, is different from today's rule review. Now the would-be overseer itself pursues regulatory ends. The Office of Management and Budget's (OMB's) shift to regulatory advocacy, particularly since the Circular A-4 rewrite, diminishes what can be gleaned from Executive Order (EO) 12866 rule reviews. Nonetheless, like pages and rule counts, rule review stands among the few variables available to examine. Figure 17 depicts 575 rule reviews conducted by OMB during calendar year 2023, compared with 483 in 2022. These are broken down by stage and by economic significance. There had been 503 total reviews in Biden's first year and 669 in Trump's final year.

Under Biden, economically significant rules have yielded to the higher-threshold Section 3(f)(1) Significant rules (or S3F1 rules for short). There were 114 S3F1 rule reviews, compared with 2022's 161 economically significant rules reviewed. Figure 17 also presents the number of days OMB took to review significant and nonsignificant rules and regulations, a process that tends to take just over two months. During the pre-Executive Order 12866 years of 1991–1993, rule review times were shorter than today, despite considerably higher rule counts then. Of thousands of notices, OMB reviewed 119 during calendar year 2023. A history of the number of rules and notices reviewed annually by type and by average days for review from 1991 through 2023 appears in Appendix H.

Figure 17. Number of OMB rule reviews and average days under review, 2023



Source: Author search on RegInfo.gov, “Review Counts” database search engine under Regulatory Review heading.