

Press Release



Analysis of the Trump Administration's Memo on CRA Compliance

ALLISON EDWARDS | APRIL 15, 2019

Last week the Trump Administration set in motion a process that clarifies Congress's ability to override regulations and guidance documents, including those of independent agencies. The Congressional Review Act (CRA) allows Congress to overturn such rules, but the Office of Information and Regulatory Affairs (OIRA) argues in the new memo that it did not have all the information it needed from agencies to meet its CRA obligations.

The memo also says that agencies must submit information on both proper regulations and non-traditional regulations, such as guidance documents, which has the effect of further expanding the reach of the CRA.

An excerpt:

The new OMB memo is important because it helps clarify the existing obligations of all agencies under the CRA. Regulatory agencies under the direction of the administration must submit all regulatory documents to OIRA for review, even if not traditionally considered rules. And independent agencies must submit their rules for analysis by OIRA, as well. It also improves transparency by nudging independent agencies to develop economic impact analyses of their rules and other regulatory actions. It does not, however, grant OIRA new authority over the substance of independent agency rules and, accordingly, it is not the expansion of centralized regulatory review that some expected the Trump Administration to pursue.

[Read the insight.](#)