

Revised Recommendations:

- 1. OIRA should (a) prepare and post on its website a concise listing of the various analytical rulemaking requirements, along with links to the documents themselves; (b) notify agencies that a single analysis on be used to satisfy more than one analytical requirement; and (c) review the current set of executive order analytical requirements and, working with regulatory agencies, determine whether some or all of them could be consolidated into a single executive order.
- 2. Agencies should briefly indicate in the preamble to each significant rule whether certain analytical requirements are applicable to the rule. For each applicable requirement, when an analysis is not required, agencies should provide at least a brief explanation.
- 3. Congress and the President should continue to reconsider the coverage of the crosscutting requirements. That reconsideration should particularly focus on analytical requirements that GAO and others have identified as giving agencies substantial amounts of discretion (e.g., the RFA and various executive orders), and requirements that are written in such a way that they exclude most of the rules that are covered by similar requirements (e.g., UMRA).
- 4. Congress and the President should index any monetary thresholds for analysis to inflation.
- A. OMB should amend Circular A-4 to clearly indicate that the analytical requirements should be tailored to the different types of rules. Traditional cost-benefit analysis appears most suited to rules that would impose high annual compliance costs (at a level indexed for inflation), or that would result in major increases in costs or prices. Other types of analyses may be more appropriate for rules increasing or decreasing federal transfer payments by an indexed amount. Still other analytical approaches should perhaps be used for rules setting fee structures that are expected to produce at least the indexed amount in annual revenues. Finally, consideration should be given to whether rules that are "major" or "economically significant" only because they are expected to stimulate consumer spending (e.g., the DOI migratory bird hunting rules) should be subject to any analytical requirements at all.