

JEFFREY A. ROSEN

Jeffrey A. Rosen is currently a partner at Kirkland & Ellis LLP, where his clients have included General Motors and Hyundai. In 2017, Rosen was nominated by the Trump Administration to serve as Deputy Secretary for the Department of Transportation where he would handle “day-to-day operations.” Rosen is no stranger to public service, having served as the General Counsel for the Bush Administration’s Department of Transportation from 2003 to 2006 and as General Counsel and Senior Policy Advisor to the Office of Management & Budget (OMB) between 2006 and 2009. In 2013, Rosen worked as Counsel for Airlines for America, a group pushing to move air traffic control from the government to a private nonprofit. Rosen received a B.A. in Economics from Northwestern University in 1979 and a J.D. from Harvard Law School in 1982.

During his time as OMB General Counsel, Rosen was hostile towards regulating carbon emissions in the wake of a U.S. Supreme Court decision ordering the Environmental Protection Agency to decide whether or not the emissions posed a danger to human health and welfare. On three separate instances, Rosen reportedly requested memos detailing why carbon dioxide emitted from vehicles could not be differentiated from carbon dioxide emitted from power plants. A former EPA employee testified that it was “somewhat embarrassing for [him] to return to EPA and ask for [his] colleagues to explain yet again that CO₂ is a molecule and there is no scientific way of differentiating between CO₂ from a car or a power plant.” A group that included Rosen, oil & gas industry officials, and Vice President Dick Cheney’s Energy Advisor F. Chase Hutto III purportedly led the charge against Bush Administration attempts to regulate greenhouse gas emissions. Rosen and Hutto worried about the potential regulatory “domino effect” that could be set off through the created of new carbon rules.

Jeff Rosen’s past clients have included General Motors and Hyundai. His firm, Kirkland & Ellis, has represented the Alliance of Automobile Manufacturers and other auto groups against California in at least two occasions over rules meant to reduce greenhouse gas emissions and increase non-polluting vehicles. Rosen claimed he did not take part in those two lawsuits and denied any favoritism in his job at the Department of Transportation. In 2005, Rosen defended a NHTSA proposal that would strengthen vehicle roofs that was favored by the auto industry. Consumer groups were concerned about a provision in the proposal that would make suits against the auto industry for said defective roofs more difficult. In 2006, at a hearing before the U.S. Senate, the Department of Transportation asked for clarification as to whether NHTSA could increase the fuel standard as articulated in previous testimony given by Rosen. In 2005 testimony to the Government Reform Committee, Rosen touted his role in terminating or withdrawing 180 potential Department of Transportation rulemakings over 5 years and the use of sunset provisions or regulations with predetermine expiration or review dates.

Rosen has also been a strong advocate for limiting Federal regulatory power. In 2007, as OMB General Counsel, Rosen publicly supported a business group-backed George W. Bush executive order that would require all agency regulations and guidance to be run through a political appointee, arguing that it was a “classic good-government measure that will make federal agencies more open and accountable.” Environmental groups derided the executive order calling it a “backdoor attempt to prevent E.P.A. from being able to enforce environmental safeguards that keep cancer-causing chemicals and other pollutants out of the air and water.” In 2010, Rosen advocated for the REINS Act, which would allow Congress to vote on regulations with an estimated cost of over \$100 million. In 2011, he testified about administrative law before the U.S. House Judiciary Committee, arguing that agency cost-benefit analysis requirements should be codified and include direct and indirect costs, that Congress should limit the number of regulations that “can be imposed on the economy in any one time period,” and that there should be a greater number of rules reviewed and rescinded every year. In 2013, Rosen testified in front of the U.S. House Judiciary Committee again, this time to voice his support of the Regulatory Accountability Act of 2013, which would, among other provisions, require cost-benefit analysis from agencies, increased public participating in the rulemaking process, ensure “factual and scientific bases” of “the most costly rulemakings,” codify the role of OMB in the rulemaking process, and

“strengthen judicial review of agencies’ adherence to good rulemaking procedures.” Rosen has also advocated for “One-In, One-Out” regulatory schemes similar to those used by the U.K., and most prominently, has called for the created of “regulatory budgets” for federal agencies. In a recent National Affairs article, Rosen argued that “because the best time to start the process of implementing a regulatory budget would be near the start of a new administration, the time to adopt this idea should be 2017.”

BACKGROUND

1976-1979: Jeff Rosen Received B.A. in Economics from Northwestern University. [LinkedIn, accessed [3/22/17](#)]

1979-1982: Jeff Rosen Received J.D. (Magna Cum Laude) from Harvard Law School. [LinkedIn, accessed [3/22/17](#)]

1982-2003: Jeff Rosen Was Partner at Kirkland & Ellis LLP. [LinkedIn, accessed [3/22/17](#)]

1996-2003: Jeff Rosen Was Adjunct Professor at Georgetown University Law Center. [LinkedIn, accessed [3/22/17](#)]

2003-2006: Jeff Rosen Was General Counsel at the U.S. Department of Transportation. [LinkedIn, accessed [3/22/17](#)]

2005-2006: Jeff Rosen Was a Member of the Board of Directors of Amtrak. [LinkedIn, accessed [3/22/17](#)]

2006-2009: Jeff Rosen was General Counsel and Senior Policy Advisor to the White House Office of Management & Budget. [LinkedIn, accessed [3/22/17](#)]

2009-Present: Jeff Rosen Was a Partner at Kirkland & Ellis LLP. [LinkedIn, accessed [3/22/17](#)]

2013: Jeff Rosen Worked as Counsel for Air Traffic Control Privatization Advocate Airlines for America. “In 2013, Rosen worked as counsel for Airlines for America, a group that is spending millions on Capitol Hill to push for taking air traffic control out of the government’s hands and into a private nonprofit with government oversight. Consultants and strategic advisers must by law be registered if they spend at least 20 percent of their time working to influence the federal government, but in recent years many people have chosen not to register and fallen into a category known as ‘shadow lobbying.’ The organization says Rosen’s work wasn’t to influence government policy. ‘Mr. Rosen didn’t lobby on behalf of A4A,’ said Airlines for America spokesman Vaughan Jennings. ‘He and his firm did perform legal services back in 2013.’” [McClatchy DC, [3/14/17](#)]

2017: Jeff Rosen Was Nominated to Serve as Deputy Secretary for the Department of Transportation in the Trump Administration. [White House Press Release, [3/7/17](#)]

- **Politico: “If The Senate Confirms Him, Rosen Will Be Responsible For Day-To-Day Operations At The Department.”** [Politico, [3/8/17](#)]

GREENHOUSE GAS REGULATIONS

OMB General Counsel Jeffrey Rosen Advocated for President George W. Bush Executive Order Requiring all Agency Regulations Go Through Political Appointee. “In an executive order published last week in the Federal Register, Mr. Bush said that each agency must have a regulatory policy office run by a

political appointee, to supervise the development of rules and documents providing guidance to regulated industries. The White House will thus have a gatekeeper in each agency to analyze the costs and the benefits of new rules and to make sure the agencies carry out the president's priorities... In an interview on Monday, Jeffrey A. Rosen, general counsel at the White House Office of Management and Budget, said, "This is a classic good-government measure that will make federal agencies more open and accountable." [New York Times, [1/30/07](#)]

- **Business Groups Cheered on Executive Order, Environmental Groups Criticized Order.** "Business groups welcomed the executive order, saying it had the potential to reduce what they saw as the burden of federal regulations. This burden is of great concern to many groups, including small businesses, that have given strong political and financial backing to Mr. Bush. Consumer, labor and environmental groups denounced the executive order, saying it gave too much control to the White House and would hinder agencies' efforts to protect the public." [New York Times, [1/30/07](#)]
- **Former U.S. Representative Henry Waxman (D-CA): "The Executive Order Allows The Political Staff At The White House To Dictate Decisions On Health And Safety Issues, Even If The Government's Own Impartial Experts Disagree. This Is A Terrible Way To Govern, But Great News For Special Interests."** [New York Times, [1/30/07](#)]
- **NRDC Program Director Wesley Warren: "The Executive Order Is A Backdoor Attempt To Prevent E.P.A. From Being Able To Enforce Environmental Safeguards That Keep Cancer-Causing Chemicals And Other Pollutants Out Of The Air And Water."** [New York Times, [1/30/07](#)]
- **Jeffrey Rosen: "Simply Put: What We Are Doing Here Is 'Good Government.' We Are Building Upon A Process That Has Been Used By Presidents Of Both Parties To Try To Institutionalize Best Practices."** [Washington Post, [1/30/07](#)]

OMB General Counsel Jeffrey Rosen Asked for Three Separate Memos Detailing How One Could Differentiate Carbon Dioxide Emissions from Cars and Power Plants. "Mr. Burnett also said Jeffrey A. Rosen, the general counsel of the Office of Management and Budget, asked three times for separate memorandums describing why carbon dioxide molecules emitted from vehicles (already likely to be subject to regulation) could not be distinguished from CO₂ molecules emitted from power-plant smokestacks (whose regulation was opposed by powerful segments of the industry and the administration). Tony Fratto, a spokesman for the White House, said Monday, "There was no dispute within the administration about the nature of greenhouse gases coming from emissions from any sources." [New York Times, [7/22/08](#)]

Former EPA Deputy Associate Administrator Jason Burnett: "Over The Course Of That Discussion, There Was Quite A Bit Of Effort And Interest To See Whether The Supreme Court Case Itself And Regulation Of CO₂ And Other Greenhouse Gases Form Automobiles Could Be Restricted To Just Regulation Of Automobiles. How The Clean Air Act Works Is That After A Pollutant Is A Regulated Pollutant, Controls Are Required On A Variety Of Sources. So There Is An Interest To Determine Whether We Could Define CO₂ From Automobiles As Somehow Different Than CO₂ From Power Plants, For Example." [U.S. Senate Hearing, "An Update on the Science of Global Warming," [7/22/08](#)]

Former EPA Deputy Associate Administrator Jason Burnett: "Jeff Rosen, As Part Of The General Counsel's Office At OMB, Had Raised That Question Multiple Times. And I Must Say That It Was Sometimes Somewhat Embarrassing For Me To Return To EPA And Ask For My Colleagues To Explain Yet Again That CO₂ Is A Molecule And There Is No Scientific Way Of Differentiating Between CO₂

From A Car Or A Power Plant.” [U.S. Senate Hearing, “An Update on the Science of Global Warming,” [7/22/08](#)]

OMB General Counsel Jeffrey Rosen Worried About Potential “Domino Effect” Caused by Regulating Carbon Emissions; Wondered If Vehicle Emissions Could be Treated Differently Than Power Plant Emissions. “But broader concerns over the regulatory ‘domino effect’ that would be caused by any endangerment finding were expressed by members of the National Economic Council, the Council on Environmental Quality, and officials such as OMB general counsel Jeffrey A. Rosen and Cheney energy adviser F. Chase Hutto III, several meeting participants said. One said that Rosen asked at one meeting if carbon dioxide emissions from a tailpipe could be treated differently than those from a power plant, wondering if the molecules are different. The answer was that they are not.” [Washington Post, [7/11/08](#)]

Jeffrey Rosen, Oil & Gas Industry Officials and Vice President Cheney’s Energy Advisor Led Charge Against Bush Administration’s Attempt to Regulate Greenhouse Gas Emission. “Burnett told investigators that a host of top Bush administration officials supported going forward with the regulations, including the heads of the Council on Environmental Quality, the Council of Economic Advisors, and the Office of Management and Budget. The secretaries of the Energy, Commerce, Transportation and Treasury departments agreed with the move as well, Burnett said. Even the power sector’s primary lobby, the Edison Electric Institute, signed off on the plans, Burnett said. However, once the rules received this initial approval, Burnett said that various factions within Cheney’s office and the oil industry sought to stop the regulations from being published. Burnett said the primary opponents were officials from ExxonMobil, API and NPRA, as well as F. Chase Hutto III, Cheney’s energy advisor. Jeffrey Rosen, OMB’s general counsel, also objected to the GHG regulations, Burnett said. These forces lobbied President Bush against using the Clean Air Act to regulate the climate change-causing gases, Burnett said. They argued that Congress should write emissions regulations, and that any rules would ruin Bush’s anti-regulatory image, Burnett said.” [Platts Inside Energy, 7/21/08]

Former EPA Deputy Associate Administrator Jason Burnett: Bush Administration and Oil & Gas Industry Were Concerned With Effect Greenhouse Gas Emission Regulations Would Have on Legacy. “‘This decision was made at the highest level within the administration,’ Burnett said. ‘The concern was that while moving forward with the response would enable a more sensible response to the Supreme Court than if the administration left it to the courts or the next administration, the concern was over the president’s legacy and not wanting to have an increase in regulation, particularly regulation under the Clean Air Act, to be attributed to this administration and to President Bush’s legacy.’ Asked to name the Bush officials who pressed against new EPA regulations, Burnett said the most vocal arguments came from Transportation Department officials who did not want to cede turf to the EPA on fuel economy. He also confirmed that Vice President Cheney’s energy adviser, F. Chase Hutto, OMB general counsel Jeffrey Rosen and officials even higher up in the administration played a big role in the new policy position... Burnett said he also heard from Exxon Mobil, the American Petroleum Institute and the National Petrochemical and Refiners Association against moving forward with the climate rules because it would tarnish Bush’s legacy.” [E&E News, [7/18/08](#)]

- **Jason Burnett: “Over Time And After Passage Of The Energy Bill, The Opposition To Move Forward Came From Higher Up. But During The Interagency Decisionmaking Process, They Were Certainly Central To The Arguments For Either Not Moving Forward, Keeping An Option To Not Move Forward Or In Many Cases, Unrealistically Limiting The Ramifications Of The Supreme Court Case To Just Cars And Trucks, Or At Least Mobile Sources.”** [E&E News, [7/18/08](#)]

CARS

Jeff Rosen Defended NHTSA Proposal That Would Strengthen Car Roofs, but Make It More Difficult for Consumers to Sue Over Safety Issues. “On Aug. 19, NHTSA issued a long-awaited proposal to improve the strength of vehicle roofs, which have been known to cave in during rollovers, causing serious injuries and fatalities. Auto-safety groups denounced the proposal as weak and predicted it would do little to save lives. The proposal is an update of a 1971 standard. More troubling to safety groups was a provision that would, in effect, make it more difficult for consumers to sue auto companies for defective roofs -- currently an area of great legal contention. The proposal said that, if adopted, ‘it would preempt all conflicting State common law requirements, including rules of tort law.’ The agency said it had struck a delicate balance in the proposal between increasing the strength of the roof to protect occupants and making sure cars were not more top-heavy and prone to roll over. It said it did not want conflicting state law and judicial interpretations to interfere with safety. Jeffrey A. Rosen, general counsel for the Department of Transportation and a former attorney who represented General Motors Corp., said federal preemption of state authority is nothing new. ‘DOT agencies do that [preempt] when they think state law would be contradictory to what the rule is trying to accomplish,’ Rosen said, adding that ‘it would helpful to the courts to know if a rule has a preemptive effect or not.’” [Washington Post, [9/27/05](#)]

2006: Rosen Asked for Clarification as to Whether NHTSA Could Increase Fuel Standard. “NHTSA agrees that clarification of its authority would be useful. The position of NHTSA, as articulated by Department of Transportation (DOT) General Counsel Jeffrey Rosen at a hearing by the House of Representatives’ Energy and Commerce Committee on May 3, 2006, was that ‘the statute had provided the authority subject to a legislative veto and that’s why it would be good to clarify’ it. In its rulemaking notices, NHTSA has stated only that it has authority to ‘change’ the standards on the right showing of need under the statute. However, the only ‘change’ NHTSA has ever made to the 27.5 mpg standard was to lower it in 1986 to 26 mpg, which is consistent with the agency’s citation of case law concerning NHTSA’s authority to lower the standard under the current statute. The standard subsequently returned in 1990 to 27.5 mpg where it has stagnated for the past 16 years.” [U.S. Senate Hearing, “Reforming Corporate Average Fuel Economy (Cafe) Standards,” [5/9/06](#)]

Jeff Rosen Past Clients Have Included General Motors and Hyundai. “Rosen is now at Kirkland & Ellis LLP, with the title of senior partner, and his clients have included General Motors and Hyundai.” [Politico, [3/8/17](#)]

Jeff Rosen Helped to Terminate or Withdraw 180 Potential Department of Transportation Rulemakings Over 5 Years. “As General Counsel, I have overall supervision of the entire regulatory process, including reviewing and making recommendations to the Secretary on all significant rules. In addition, we have weekly regulatory review meetings with the Deputy Secretary and the Secretary’s Chief of Staff. Each week, we meet with a different operating administration usually including the agency Administrator. At those meetings, we discuss every rulemaking action on the operating administration’s agenda. The discussions generally cover the need for the rulemaking, our priorities, and our progress in meeting schedules for each project; these meetings often involve discussions among the senior DOT officials present on important substantive issues. These regulatory review meetings played an important role in the Department’s decisions during the last five years to terminate or withdraw almost 180 potential rulemakings that were deemed unnecessary or unproductive, and a similarly important role in ensuring that useful and necessary rules were issued in a timely way.” [Government Reform Committee Testimony, [6/28/05](#)]

Jeff Rosen Advocated for Use of Sunset Provisions or Regulations With Predetermined Expiration or Review Dates. “In addition, I would mention one innovative approach that the Department has taken in recent years to ensure review of specific regulations. On some, limited occasions when we issue a new rule, we include in the text of the rule itself a provision mandating such review. For example, in 1992, we issued a rule on airline computer reservation systems (CRS) that contained a sunset date. Before the sunset date, we initiated a review of the rule. After determining that the on-going changes in the airline distribution and CRS businesses,

such as the increasing importance of the Internet, made the rules unnecessary, we decided to allow most of the rules to expire on January 31, 2004, except for two provisions that expired on July 31, 2004.” [Government Reform Committee Testimony, [6/28/05](#)]

Kirkland & Ellis Defended General Motors in Product Liability Suits and Represented Alliance of Automobile Manufacturers; Rosen Denied Using General Counsel Position to Benefit Auto Industry.

“Jeffrey A. Rosen, who became general counsel at the Transportation Department in 2003, was a senior partner at Kirkland & Ellis, a powerhouse law firm that has defended GM in numerous product-liability suits and represents the Alliance of Automobile Manufacturers. Rosen denied using his position to benefit automakers. ‘We have issued a number of major rules in the two years that I have been here,’ he said. ‘Some of them are supported by industry, some are opposed.’ [Los Angeles Times, [2/19/06](#)]

Los Angeles Times: “Rosen's Former Law Firm, Kirkland & Ellis, Represents The Alliance Of Automobile Manufacturers In The Suit To Block California's Global Warming Rule. The Suit Was Filed In Late 2004, A Year After Rosen Left The Firm To Join The Transportation Department.” [Los Angeles Times, [2/19/06](#)]

Kirkland & Ellis Represented Automakers Against California Law Requiring Certain Number of Emission-Free Vehicles; Rosen Did Not Participate. “Kirkland & Ellis also represented automakers in another case against California regulators. In 2002, the industry — backed by the Justice Department — challenged a state rule that required production of a certain number of non-polluting vehicles. Rosen said he did not participate in that case while he was with the law firm. The case was settled when the state agreed to remove language that the industry said amounted to regulating fuel economy.” [Los Angeles Times, [2/19/06](#)]

ANTI-REGULATORY

Jeff Rosen Advocated for the REINS Act, Which Would Allow Congress to Vote on Regulations With an Estimated Cost of Over \$100 Million. “A procedural change where Congress would have to vote to approve high-impact regulations could restore a system of checks and balances to federal regulation. Sixty-eight members of Congress have proposed legislation that would accomplish this, requiring congressional approval under expedited procedures before major regulations can go into effect. Critics of the bill, known as the ‘REINS Act,’ are concerned that Congress would not have enough time to vote on every major rule, and that the requirement would produce gridlock. However, over the last 18 months, Congress has found time to enact 210 new laws, including 58 votes to name Post Offices and other federal buildings. Surely a Congress that has time to vote on the names of 58 federal buildings could make the time to vote on 59 important federal regulations that have the force and effect of law. Not only would this give Congress more accountability and control over the implementation of the legislative powers it delegates, but it would encourage fuller transparency and informed debate on these significant regulations that have the power of law.” [Baltimore Sun, [8/9/10](#)]

Jeffrey Rosen Advocated for Permanent Cost-Benefit Analysis for Administrative Law; Should Account for Direct and Indirect Costs. “Moreover, in any law that it enacts, Congress should clearly state that cost-benefit analysis applies to all agencies, notwithstanding any other text to the contrary. While cost-benefit analysis is not a panacea, it would be prudent for Congress to expressly define ‘costs’ as including both direct and indirect costs imposed by proposed regulations.” [Jeffrey Rosen Testimony to U.S. House Judiciary Committee, [2/28/11](#)]

Jeffrey Rosen: “Congress Should Consider Setting Limits On The Volume Of New Regulations That Can Be Imposed On The Economy In Any One Time Period.” “Congress should consider setting limits on the volume of new regulations that can be imposed on the economy in any one time period A related option—and the two are not mutually exclusive—would be to create a ‘regulatory budget’ which would cap the economic

cost of the regulations that an agency could impose on the public during any one time period, or that the Executive Branch as a whole could impose on the economy during any one time period.” [Jeffrey Rosen Testimony to U.S. House Judiciary Committee, [2/28/11](#)]

Jeffrey Rosen: “Nonetheless, Few Rules Seem To Be Rescinded Or Retired Each Year, So Congress Should Consider Whether Additional Reviews, Automatic Sunset Provisions, A Review Commission, An OMB Nominations Process, Or Some Other Mechanism Should Be Enacted To Ensure That Unnecessary Rules Are Identified And Removed In A Timely And Effective Manner.” [Jeffrey Rosen Testimony to U.S. House Judiciary Committee, [2/28/11](#)]

Jeffrey Rosen Represented U.S. Chamber of Commerce in Trial Against Climate Change Science. “In 2009, the US Chamber of Commerce—funded by top corporations from Google to JP Morgan Chase—called for the ‘Scopes monkey trial of the 21st century’ on the science of climate change. ‘It would be the science of climate change on trial,’ said a top Chamber official. On Tuesday and Wednesday, lawyers representing the Chamber of Commerce put the science of climate change on trial before the United States Court of Appeals of the District of Columbia. The Chamber is represented by Robin S. Conrad and Sheldon Gilbert of the National Chamber Litigation Center, the organization’s in-house trial-lawyer shop, as well as Jeffrey A. Rosen, Robert R. Gasaway, Jeffrey Bossert Clark, and William H. Burgess IV of the corporate legal firm Kirkland & Ellis. In its filings, made jointly with a cavalcade of polluter interests and Republican politicians, the Chamber makes absurd global-cooling arguments and cites the work of the Heartland Institute’s Nongovernmental International Panel on Climate Change (NIPCC).” [Think Progress, [2/29/12](#)]

Jeffrey Rosen Testified in Favor of the Regulatory Accountability Act of 2013. “I am aware of several legislative proposals, but want to focus on the Regulatory Accountability Act (‘RAA’), H.R. 2122, which will represent a very significant set of improvements to the regulatory process. Although Congress has not altered the way administrative agencies do business in more than a decade, the executive branch has spent 2 decades cultivating certain “best practices” such as the use of cost-benefit analysis that now seem well-suited for codification and wide r application. These practices, especially those contained in a series of executive orders, have been utilized du ring the terms of five di fferent presidents from both political parties. In my view, congressional action is necessary and desirable at this juncture, and the Regulatory Accountability Act (H.R. 2122) would make significant legislative improvements to the regulatory process.” [Jeffrey Rosen Testimony to the U.S. House Judiciary Committee, [7/9/13](#)]

Jeffrey Rosen Believed Regulations Cost American Families \$15,000 A Year, Decreased GDP Growth. “The economic burden of regulation is substantia l. Though the precise figure is contested by some, the Small Business Administration has published a study indicating that Americans spend over \$1.75 trillion per year to comply with federal regulations — an amount that equals approximately \$15,000 per family. As shown in Figure 2 below, again from Wayne Crews’ annual study, the SBA numbers suggest that regulatory compliance costs now exceed what the federal government collects in income and payroll taxes. If one combines these regulatory costs with conventional government spending, the federal government in effect now controls 34.4% of GDP.” [Jeffrey Rosen Testimony to the U.S. House Judiciary Committee, [7/9/13](#)]

Jeffrey Rosen: “It Is Evident That A Concern For Our Economy Readily Warrants Legislative Efforts To Improve The Regulatory Process To Function Better, While Avoiding Unnecessary Harm To Our National Economy And To Jobs And Wages.” [Jeffrey Rosen Testimony to the U.S. House Judiciary Committee, [7/9/13](#)]

Jeffrey Rosen: “Among Its Key Improvements, The RAA Would Standardize Cost-Benefit Analysis And Extend It To Independent Agencies, Increase Public Participation In Important Rulemakings, Placed Additional Focus On The Most Costly Rulemakings To Ensure Their Factual And Scientific Bases Are

Accurate, Codify The Longstanding Role Of OMB In The Regulatory Process, And Strengthen Judicial Review Of Agencies' Adherence To Good Rulemaking Procedures. [Jeffrey Rosen Testimony to the U.S. House Judiciary Committee, [7/9/13](#)]

Jeffrey Rosen: “The RAA Would Represent An Important Advance For Administrative Law And Regulatory Practice, And Would Therefore Benefit Americans From All Walks Of Life, As Well As Our Overall National Economy.” [Jeffrey Rosen Testimony to the U.S. House Judiciary Committee, [7/9/13](#)]

Jeff Rosen Advocated for One-In, One-Out Regulatory Scheme Used in the U.K. “The U.K. experience to date suggests that some form of regulatory budgeting —long the subject of academic commentary —can work in practice. No two regulatory regimes are identical, but the U.K. approach may prove worthy of study or even emulation. Indeed, the Cameron Government has urged the European Commission to adopt a One -in, One -out mechanism for European Union regulations, and similar reforms to limit the net increase in regulatory costs have been developed or implemented by the governments of Portugal, Australia, and Canada. 161 Given this experience abroad, it should not be surprising if a renewed focus on regulatory budgeting resurfaces in the United States. Indeed, in the face of continued national economic challenges, some of the considerations that led to the regulatory budgeting concept in the United Kingdom would seem to warrant further study in the United States.” [“Regulatory Budget Revisited,” [5/9/15](#)]

Jeff Rosen Advocated for Creating a “Regulatory Budget” for Federal Agencies in 2017. “In the long run, regulatory reform will need to go even further than this prospective budgeting system. The enormous volume of existing rules — and the costs they already impose — will also need to be considered. There will need to be an effort to estimate the costs of existing rules in a more systematic way, both to facilitate the identification of rules that might be revised or repealed and to create over time a full ‘baseline’ of the total cost of regulation. This would allow us to know whether the cumulative, aggregate cost is increasing, declining, or remaining constant, so as to inform the process of setting the regulatory-cost caps. The importance and the difficulty of this task can hardly be overstated. It will take time, and some serious resources. But thankfully, this bigger and more daunting task need not hold up the more immediate effort to put regulators on a budget. A regulatory budget for new incremental costs could be launched far more quickly and would yield some enormous benefits while paving the way for further steps to come. The perfect should not be the enemy of the very good when it comes to regulatory reform. And because the best time to start the process of implementing a regulatory budget would be near the start of a new administration, the time to adopt this idea should be 2017. Doing so would facilitate its adoption at a time when a brief regulatory ‘time out’ is usually in place already, and when a new president’s priorities are being set and disseminated, and new personnel are being appointed to implement them.” [National Affairs, [Spring 2016](#)]