

## **Remarks of Richard Revesz**

### **Dedication of the Annual Survey of American Law to Sally Katzen**

**September 23, 2024**

I can't think of any individual who has had the relationship with a federal agency that Sally Katzen has had with OIRA over more than three decades. She is both the George Washington and the den mother of the agency that I now have the honor to lead.

Some of you may be wondering: what is OIRA and is being the George Washington of this agency actually significant? The acronym OIRA stands for the Office of Information and Regulatory Affairs, which is part of the White House Office of Management and Budget in the Executive Office of the President. When the media discusses OIRA, it almost always calls my agency "obscure." On good days, though, it calls us "obscure but important," and I'll explain why Sally deserves a great deal of credit for the good days.

OIRA reviews all significant executive agency proposed and final rules to ensure that they are supported by the best science and economics and that the benefits of the rules justify their costs. It also coordinates a centralized process that solicits the perspectives of policy and legal experts throughout the Executive Branch, including the Executive Office of the President. Through this work, OIRA seeks to ensure that agency rules are consistent with law, the President's priorities, and available evidence, and that the federal government does not work at cross-purposes.

OIRA's regulatory review role dates back to an Executive Order promulgated by President Reagan in 1981. At the time, both centralized review and benefit-cost analysis were viewed as important components of the Reagan Administration's anti-regulatory program. Therefore, it would not have been surprising if President Clinton had repealed the Reagan Executive Order and put an end to this experiment. Instead, he replaced it with a new Executive Order, Executive Order 12866, that kept both centralized review and the role of benefit-cost analysis in place, though with some important modifications.

Sally, who served as OIRA Administrator for the first five years of the Clinton administration, is widely regarded to be the drafter of Executive Order 12866. Sally's work on the Executive Order and her subsequent leadership of OIRA established a bipartisan consensus recognizing that centralized review helps ensure that agencies do not work at cross-purposes, and that when the government takes significant action it should understand the consequences, both positive and negative, of what it is doing. Even in today's era of political backs and forths, Sally's work has proved durable. The Clinton Executive Order has now been in effect for more than 30 years through five presidential administrations.

And the establishment of OIRA as a durable institution was hardly Sally's only contribution to the Executive Office of the President. In the Carter Administration, she was the General Counsel and Deputy Director of the Council on Wage and Price Stability, which was a

predecessor of OIRA; in the Clinton Administration, following her OIRA leadership, she was Deputy Director of the National Economic Council and Deputy Director for Management of the Office of Management and Budget; and she ran the Obama Administration's transition team for the Executive Office of the President, which includes OIRA. Through all this work across three presidential administrations and more than a quarter of a century, Sally became an enormously experienced, knowledgeable, and influential regulatory expert in the federal government, particularly with respect to the work of the Executive Office of the President.

In particular, Sally's deft work in her recasting of OIRA's role away from its anti-regulatory origins and into a durable institution that promotes rationality in regulatory actions is what makes her the George Washington of the agency. And that's wonderful for those of us who followed in her footsteps. Because while it hasn't been possible for a very long time to have lunch with George Washington, it's definitely possible (and delightful) to have lunch (and breakfast and dinner as well) with Sally. There's no better seminar on how to do the job with effectiveness, humility, and integrity.

Unlike George Washington, Sally did not retire (to a farm or elsewhere) and disengage from the institution that she had led. That brings me to the den mother side of Sally's connection to OIRA. Ever since she left OIRA, Sally has kept in close touch with numerous OIRA career officials and political appointees, and has served as a mentor to many of them. She continues to attend holiday parties and employee retirement parties. At first glance, this might sound merely admirable. It's what all good former leaders should do, though not many do it. But what makes Sally's role unique is that none of OIRA's current employees, not a single one, worked at the agency when Sally served as Administrator. All her former staff have either retired or moved to other jobs. She is therefore the den mother of the agency, not just the mentor of her former employees. In this role, she shows that she cares deeply not only about the lofty principles that guide the Executive Branch but also about the dedicated individuals who carry out its work.

Sally is the den mother in so many other ways. Executive Order 12866, Sally's brainchild, is the only Executive Order I know that celebrates its birthdays. I've already gone to its 25<sup>th</sup> and 30<sup>th</sup> birthday parties. Sally is at the center of these events, which are both celebratory and substantive. It's largely as a result of Sally's personality and inclusiveness that these are bipartisan events exhibiting a strong sense of shared purpose and attended by political leaders of different administrations.

I want to end by thanking Sally. I'm one of those OIRA employees whom she mentored. In my case, she started her mentorship well before I began my work at OIRA; I'll call this anticipatory den mother work. And I owe her an enormous debt of gratitude for my own scholarship: For example, my two co-authored books about OIRA resulted from an exchange I had with Sally at a conference about the effects of interest groups in the development of benefit-cost analysis. The encouragement of someone as distinguished as Sally convinced me that it was worth investing further effort in this work.

One of my proudest accomplishments as dean of NYU Law School was persuading Sally (and Bob Bauer) to come to NYU and, among other things, run our D.C. clinic, which has now

been in operation for more than a decade. This clinic provides a truly extraordinary experience for its students, launching many of them into careers by opening the doors of government agencies that would otherwise have been closed to recent law school graduates. In my current role, I am a beneficiary of that wonderful institution, which has placed two spectacularly talented students to work full-time in OIRA in each of the last two years.

Thank you Sally, for all you have done over such a long time, to nurture both an institution and the individuals who carry out its work, myself included. While the George Washington and den mother labels might seem like an uneasy fit, you embody both perfectly!