



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

ADMINISTRATOR
OFFICE OF
INFORMATION AND
REGULATORY AFFAIRS

August 16, 2021

MEMORANDUM FOR: REGULATORY POLICY OFFICERS AT EXECUTIVE DEPARTMENTS AND AGENCIES AND MANAGING AND EXECUTIVE DIRECTORS OF COMMISSIONS AND BOARDS

FROM: Sharon Block
Acting Administrator
Office of Information and Regulatory Affairs

SUBJECT: Fall 2021 Data Call for the *Unified Agenda of Federal Regulatory and Deregulatory Actions*

This memorandum requests information for the compilation of the Fall 2021 *Regulatory Plan* (“*Plan*”) and *Unified Agenda of Federal Regulatory and Deregulatory Actions* (“*Unified Agenda*”). Publication of the *Regulatory Plan* and *Unified Agenda* represents a key component of the regulatory planning mechanism prescribed in Executive Order (“EO”) 12866, “Regulatory Planning and Review,” 58 FR 51735 (Sept. 30, 1993), and reaffirmed in EO 13563, “Improving Regulation and Regulatory Review,” 76 FR 3821 (Jan. 18, 2011). The *Regulatory Plan* and *Unified Agenda* provide important public notice and transparency about proposed regulatory and deregulatory actions within the Executive Branch. This process highlights agency priorities, promotes planning and coordination, and encourages public participation in the regulatory process. Submissions of the Fall 2021 *Regulatory Plan* and *Unified Agenda* are due by **Friday, September 10, 2021**.

As you design your submissions we ask that you give careful attention to ensuring that your agency is developing – and including in your *Regulatory Plan* and *Unified Agenda* – actions that advance the Administration’s stated priorities: (1) actions that advance the country’s economic recovery and continue to address any additional necessary COVID-related issues; (2) actions that tackle the climate change emergency; (3) actions that advance equity and support underserved, vulnerable and marginalized communities; and (4) actions that create and sustain good jobs with a free and fair choice to join a union and promote economic resilience in general. In particular, we ask that your *Regulatory Plan* and *Unified Agenda* reflect the principles and requirements identified in applicable Executive Orders. In addition, as the country continues to recover from the COVID-19 pandemic, we ask that you consider whether there are any regulatory changes you can develop that reflect lessons learned and improve the country’s

response to similar crises in the future.

Priorities for the Fall 2021 *Regulatory Plan and Unified Agenda*

While our spring data call applied only to your *Unified Agenda*, which is published twice a year, this data call also includes a *Regulatory Plan*, which is only published once a year. *The Regulatory Plan* serves as a defining statement of the Administration's and each agency's regulatory and deregulatory policies and priorities. Section 4(c) of Executive Order 12866 "Regulatory Planning and Review" (58 FR 51735), incorporated in Executive Order 13563 "Improving Regulation and Regulatory Review" (76 FR 3821) requires agencies to publish an annual regulatory plan as part of the Fall edition of the *Unified Agenda of Federal Regulatory and Deregulatory Actions*.

Agencies can further the objective of open government by making clear, meaningful, and informative contributions to the *Regulatory Plan* and *Unified Agenda*. An effective *Regulatory Plan* and *Unified Agenda* submission will indicate how agencies are moving forward with the Administration's priorities, and will also inform the public of an Agency's immediate regulatory principles and areas of focus. As you prepare your *Regulatory Plan* and *Unified Agenda* submissions, please keep in mind the underlying objectives of better planning and coordination of the regulatory process, and the need to make the regulatory process transparent and accessible to all Americans. Specifically, your *Regulatory Plan* should discuss your regulatory priorities, including legislative and programmatic activities that affect regulation, and should provide a context for the regulations identified in the *Regulatory Plan*. In addition, as you prepare your *Regulatory Plan* and *Unified Agenda*, please keep in mind the following:

Reflective of Administration Priorities: The Administration has clearly identified key areas of regulatory focus, as mentioned above. In advancing these priorities, agencies should also continue to consider how to prioritize a process for unwinding existing rules and policies that do not align with these priorities.

Responsive to Executive Action: The President has directed, through both Executive Orders and other Executive actions, agencies to review and reconsider previously published regulations. The President also issued a series of Executive actions directing agencies to take affirmative steps to address climate change,¹ empower workers and increase their wages,² promote racial equity and address issues of gender identity, sexual discrimination, disability, religious discrimination, persistent poverty, and immigration,³ affirmative measures addressing COVID-19 and access to healthcare,⁴ as well as many other priorities. Agencies should ensure their proposed priorities reflect these directives.

¹ Exec. Order No. 13990, 86 Fed. Reg. 7037 (Jan. 25, 2021); Exec. Order No. 14008, 86 Fed. Reg. 7619 (Feb. 2, 2021), Exec. Order 14026, 86 FR 22835 (April 27, 2021).

² Exec. Order No. 14008, 86 Fed. Reg. 7619 (Feb. 2, 2021), Exec. Order 14026 (April 27, 2021).

³ Exec. Order No. 13985, 86 Fed. Reg. 7009 (Jan. 25, 2021); Exec. Order No. 13988, 86 Fed. Reg. 7023 (Jan. 25, 2021); Exec. Order No. 14010, 86 Fed. Reg. 8267 (Feb. 5, 2021); Exec. Order No. 14012, 86 Fed. Reg. 8277 (Feb. 5, 2021); Presidential Memorandum of January 26, 2021, "Redressing Our Nation's and the Federal Government's History of Discriminatory Housing Practices and Policies," 86 Fed. Reg. 7487 (Jan. 29, 2021).

⁴ Exec. Order No. 13998, 86 Fed. Reg. 7205 (Jan. 26, 2021); Exec. Order No. 14009, 86 Fed. Reg. 7793 (Feb. 2, 2021).

Accurate Timeliness and Improved Public Notice: The *Regulatory Plan* and *Unified Agenda* allow the public to anticipate upcoming rulemakings and thus must contain the most up-to-date and accurate information. Agencies should continue to promote accuracy by removing actions for which no substantial activity is expected within two years. Actions listed as “Active” should be finalized within 12 months of *Regulatory Plan* and *Unified Agenda* publication. “Long-term” actions should be completed between 12 and 24 months. Actions slated beyond 24 months should be included only if it provides meaningful information to the public. Agencies should also consider what interim steps need to be prioritized to advance long-term actions slated for 12-24 months or beyond in a timely fashion. In making decisions regarding designations of actions as “long-term” or “active,” we encourage agencies to take a comprehensive assessment of their capacity in light of the priorities noted above and any actions that have statutory- or litigation-related deadlines.

Transparency: The *Regulatory Plan* and *Unified Agenda* are most valuable when the entries provide clear, transparent information on rulemakings under development. Abstracts should be easy to understand and inform readers of the reason the rulemaking is under development and what the agency intends to accomplish, while being careful to avoid disclosing pre-decisional information. To help promote accessibility, agencies should provide URLs of websites with more information about a rulemaking whenever available.

Preparing and Transmitting Submissions

Detailed instructions for submitting the Fall 2021 *Regulatory Plan* and *Unified Agenda* are available online at www.rocis.gov. Please follow the procedures carefully and include all required documents. Agencies may direct questions regarding the content of their *Regulatory Plan* and *Unified Agenda* submissions to the appropriate Office of Information and Regulatory Affairs (OIRA) desk officer. For further information concerning automated production, information requirements, format, or submission of materials, contact the Regulatory Information Service Center at (202) 482-7340.

Consistent with prior practice, the complete *Regulatory Plan* and *Unified Agenda* will be published online at www.reginfo.gov as well as in the *Federal Register* in a streamlined format.

OIRA appreciates prompt attention to this call for data. All submissions are due by **Friday, September 10, 2021**. The value of the *Regulatory Plan* and *Unified Agenda* depends on the accuracy and timeliness of their content. We urge you to take this opportunity to help us make these documents as useful to the public as possible.