



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

February 23, 2023

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

FROM: Richard Revesz 
Administrator
Office of Information and Regulatory Affairs

SUBJECT: Spring 2024 Data Call for the *Unified Agenda of Federal Regulatory and Deregulatory Actions*

This memorandum requests information for the compilation of the *Spring 2024 Update to the Unified Agenda of Federal Regulatory and Deregulatory Actions* (“*Agenda*”). Publication of the *Unified Agenda* represents a key component of the regulatory planning mechanism prescribed in Executive Order (“EO”) 12866, “Regulatory Planning and Review,”¹ as reaffirmed in EO 13563, “Improving Regulation and Regulatory Review,”² and amended by EO 14094, “Modernizing Regulatory Review.”³ The *Agenda* provides important public notice and transparency about proposed regulatory actions within the Executive Branch. This process highlights agency priorities, promotes planning and coordination, and encourages public participation in the regulatory process.

Submissions for the *Spring Agenda* are due by **March 22, 2024**.

As you design your submissions we ask that you give careful attention to ensuring that your agency is developing—and including in your *Agenda* submissions—actions that advance the Administration’s stated priorities: (1) tackling the climate change emergency; (2) advancing equity and supporting underserved, vulnerable, and marginalized communities; (3) creating and sustaining good jobs with a free and fair choice to join a union, lowering the costs of products and services, and promoting healthy competition in the marketplace and economic resilience in general; and (4) improving service delivery and customer experience and reducing administrative burdens. In particular, we ask that your *Agenda* submissions reflect the principles and requirements identified in applicable Executive Orders. In addition, we ask that you consider whether there are any regulatory changes you can develop that reflect lessons learned from the COVID-19 pandemic, including regulatory or policy flexibilities introduced during the pandemic that

¹ 58 Fed. Reg. 51,735 (Oct. 4, 1993).

² 76 Fed. Reg. 3821 (Jan. 21, 2011).

³ 88 Fed. Reg. 21,879 (Apr. 11, 2023).

your agency is considering making permanent, as well as actions that would further support the country's pandemic preparedness in the future.

Priorities for the Spring 2024 Agenda

Agencies can further the objective of open government by making clear, meaningful, and informative contributions to the *Agenda*. An effective *Agenda* submission will indicate how agencies are advancing 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 *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, including traditionally underserved stakeholders. In addition, as you prepare your *Agenda* submissions, please keep in mind the following:

Reflective of Administration Priorities: The Administration has identified key areas of regulatory focus, as mentioned above.

Responsive to Executive Action: The President has directed agencies, through Executive Orders and other Executive actions, 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;⁴ empower workers and increase their wages;⁵ promote equity and address issues of racial discrimination, gender identity and sex discrimination, disability discrimination, religious discrimination, and persistent poverty;⁶ address immigration;⁷ address pandemic preparedness and access to healthcare;⁸ improve access to and delivery of public programs and services by reducing administrative burden;⁹ and promote equitable and meaningful participation in the regulatory process,¹⁰ among other priorities. Agencies should ensure their proposed priorities reflect these directives.

Accurate Timelines and Improved Public Notice: The *Agenda* allows 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. Regulatory actions listed as "Active" should be finalized within 12 months of *Agenda* publication. "Long-

⁴ Exec. Order No. 13990, 86 Fed. Reg. 7037 (Jan. 25, 2021); Exec. Order No. 14008, 86 Fed. Reg. 7619 (Feb. 1, 2021); Exec. Order 14026, 86 Fed. Reg. 22,835 (Apr. 30, 2021).

⁵ Exec. Order No. 14008; Exec. Order No. 14026.

⁶ Exec. Order No. 13985, 86 Fed. Reg. 7009 (Jan. 25, 2021); Exec. Order No. 13988, 86 Fed. Reg. 7023 (Jan. 25, 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).

⁷ Exec. Order No. 14010, 86 Fed. Reg. 8267 (Feb. 5, 2021); Exec. Order No. 14012, 86 Fed. Reg. 8277 (Feb. 5, 2021).

⁸ Exec. Order No. 13998, 86 Fed. Reg. 7205 (Jan. 26, 2021); Exec. Order No. 14009, 86 Fed. Reg. 7793 (Feb. 2, 2021).

⁹ Exec. Order No. 14058, 86 Fed. Reg. 71,357 (Dec. 16, 2021); OMB M-22-10, *Improving Access to Public Benefits Programs Through the Paperwork Reduction Act* (Apr. 13, 2022).

¹⁰ Exec. Order No. 14094, 88 Fed. Reg. 21,879 (Apr. 11, 2023).

term” actions should generally be issued between 12 and 24 months. The *Agenda* may include actions slated for beyond 24 months, but only if their inclusion 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 and Public Engagement: The *Agenda* is an important tool for communicating with the public about agency regulatory activities, including how agencies have engaged with the public in developing regulatory priorities, as well as how agencies will provide future opportunities for engagement and public input. Consistent with EO 14094—and accompanying OIRA guidance on Broadening Public Participation and Community Engagement in the Regulatory Process¹¹—agencies should take the following steps in developing their *Agenda* submissions:

- when developing *Agenda* entries, draw on past or ongoing participation and engagement, as practicable and appropriate, to inform the selection of issues to be addressed by, and described in the *Agenda*; and
- when developing *Agenda* entries, describe, as practicable and appropriate, participation and engagement with the public undertaken by the agency in developing the regulatory proposal.

Agencies are expected to build on efforts from the *Fall 2023 Agenda*, and include additional instances of public participation—whether it be past, ongoing, or upcoming. Additionally, we’d like to highlight a few public participation efforts that were included in the *Fall 2023 Agenda* as particularly good examples for your consideration as you develop your own entries for the Spring *Agenda*:

- The Small Business Administration noted in its [Statement of Regulatory Priorities](#) that it conducted four Tribal consultations and a listening session related to aspects of a proposed rule that would change the Native community benefits reporting requirements in SBA’s 8(a) Business Development program, and explained that this feedback contributed to SBA’s decision to remove these provisions of the proposed rule in finalizing it.
- The Social Security Administration noted in its *Fall 2023 Agenda* entry for “Expand the Definition of a Public Assistance (PA) Household” ([RIN 0960-A181](#)) that the proposal reflects feedback received from advocacy groups representing claimants and beneficiaries during informal listening sessions, as well as comments received on another SSA rulemaking.
- The Environmental Protection Agency noted in its [Statement of Regulatory Priorities](#) that it conducted significant stakeholder outreach, including

¹¹ OIRA Memorandum, *Broadening Public Participation and Community Engagement in the Regulatory Process* (July 19, 2023).

external meetings as well as engagement with Tribes, small businesses, and other entities, to inform its ongoing work to develop a proposed rule addressing risks posed by the chemical 1-bromopropane.

- The Department of Transportation noted in its [Statement of Regulatory Priorities](#) that its proposal to ensure air carriers and ticket agents provide prompt ticket refunds (including ancillary fees) to passengers when a flight is cancelled or significantly changed has been informed by feedback received at four public meetings: three meetings of the Aviation Consumer Protection Advisory Committee on August 22, 2022; December 8, 2022; and January 12, 2023, and one public hearing on March 21, 2023.

Additionally, the *Agenda* is most valuable when the entries provide clear, transparent information on rulemakings under development. Agencies should ensure that Abstracts are written in plain language and 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 *Spring 2024 Agenda* entries 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 *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 *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 **March 22, 2024**. The value of the *Agenda* depends on the accuracy and timeliness of the content. We urge you to take this opportunity to help us make the *Agenda* as useful to the public as possible.