




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

August 27, 2024

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: Fall 2024 Data Call for the Update to the *Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions*

This memorandum requests information for the compilation of the *Fall 2024 Update to the Regulatory Plan* (“*Regulatory Plan*”) and *Unified Agenda of Federal Regulatory and Deregulatory Actions* (“*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,”<sup>1</sup> as reaffirmed by EO 13563, “Improving Regulation and Regulatory Review,”<sup>2</sup> and amended by EO 14094, “Modernizing Regulatory Review.”<sup>3</sup> The *Regulatory Plan* and *Agenda* provide 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 Fall 2024 *Regulatory Plan* and *Agenda* are due by no later than **September 20, 2024**.

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 *Agenda* submissions—actions that advance the Administration’s priorities, including (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 addition, we ask that you consider whether there are any regulatory changes you can develop that reflect lessons learned from public

<sup>1</sup> 58 Fed. Reg. 51,735 (Oct. 4, 1993).

<sup>2</sup> 76 Fed. Reg. 3821 (Jan. 21, 2011).

<sup>3</sup> 88 Fed. Reg. 21,879 (Apr. 11, 2023).

participation efforts over the past year, and could improve regulatory design and implementation in the future.

### **Priorities for the Fall 2024 Regulatory Plan and Unified Agenda**

While our Spring 2024 data call applied only to the *Unified Agenda*, which is published twice a year, this data call also includes the *Regulatory Plan*, which is published only 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,” requires agencies to submit an annual regulatory plan as part of the Fall edition of the *Unified Agenda*.

Agencies can further the objective of open government by making clear, meaningful, and informative contributions to the *Regulatory Plan* and *Agenda*. An effective *Regulatory Plan* and *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 *Regulatory Plan* and *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. Specifically, your *Regulatory Plan* should discuss your regulatory priorities, including legislative and programmatic activities that affect regulation, and should provide context for the regulations identified in the *Regulatory Plan*. In addition, as you prepare your *Regulatory Plan* and *Agenda* submissions, please keep in mind the following:

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

*Accurate Timelines and Improved Public Notice:* The *Regulatory Plan* and *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. Regulatory actions listed as “Active” should be finalized within 12 months of *Regulatory Plan* and *Agenda* publication. “Long-term” actions should generally be issued between 12 and 24 months. The *Regulatory Plan* and *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 *Regulatory Plan* and *Agenda* are important tools 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 Office of Information and Regulatory Affairs (OIRA) guidance on

Broadening Public Participation and Community Engagement in the Regulatory Process<sup>4</sup>— agencies should take the following steps in developing their *Regulatory Plan* and *Agenda* submissions:

- Describe in *Statements of Regulatory Priorities* how, if at all, past or ongoing public participation and community engagement informed the development of agency regulatory priorities and, as practicable and appropriate, describe select future opportunities for public participation and engagement in the regulatory process.
- When developing *Regulatory Plan* and *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 *Regulatory Plan* and *Agenda*.
- When developing *Regulatory Plan* and *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 *Spring 2024 Agenda*, and include additional instances of public participation—whether it be past, ongoing, or upcoming. Additionally, we would like to highlight a few public participation efforts that were included in the *Spring 2024 Regulatory Agenda* as particularly good examples for your consideration as you develop your own entries for the *Fall 2024 Regulatory Plan* and *Agenda*:

- The Department of Labor (DOL) noted that its plans to publish updated regulations for the National Apprenticeship System were informed by extensive public engagement, even before a proposed rule was published. DOL held listening sessions with a broad cross-section of apprenticeship stakeholders in 2021, opened a National Online Dialogue in 2022, and again held further listening sessions in 2023.
- The Bureau of Land Management (BLM) noted that it conducted broad public and Tribal outreach both prior to publication of a proposed rule and during the public comment period, including three public listening sessions in 2021 and three virtual public meetings after the proposed rule was published. In addition, BLM invited Tribes to consult on the rule and responded to requests for consultation.
- The Food and Nutrition Service noted how its rule to reduce barriers to online ordering and modernize vendor regulations in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) will be informed by feedback it received from a variety of WIC stakeholders and a report issued by a Department

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<sup>4</sup> Off. of Info. & Regul. Aff., *Broadening Public Participation and Community Engagement in the Regulatory Process* (July 19, 2023).

of Agriculture task force comprised of members from state agencies, industry associations, food producers, and WIC participants.

- The Federal Motor Carrier Safety Administration (FMCSA) noted how it is planning a series of public listening sessions in summer 2024 concerning a rulemaking to update its methodology for determining whether a motor carrier is not fit to operate commercial motor vehicles. FMCSA also discussed its TechCelerate program, designed to advance the adoption of advanced driver assist systems in commercial motor vehicles. The Agency is promoting the program with an ongoing national outreach campaign, with an expansion of its outreach and education efforts on the horizon.

Additionally, the *Regulatory Plan and Agenda* is most valuable when the entries provide clear, transparent information on rulemakings under development. Agencies should ensure that Statements of Regulatory Priorities and Abstracts are written in plain language, are 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 2024 Regulatory Plan and Agenda* entries are available online at [www.rocis.gov](http://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 Agenda* submissions to the appropriate 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 Agenda* will be published online at [www.reginfo.gov](http://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 no later than **September 20, 2024**. The value of the *Regulatory Plan and Agenda* depends on the accuracy and timeliness of the content. We urge you to take this opportunity to help us make the *Regulatory Plan and Agenda* as useful to the public as possible.