




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

THE DIRECTOR

January 20, 2025

M-25-10

MEMORANDUM TO THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Matthew J. Vaeth 
Acting Director

SUBJECT: Implementation of Regulatory Freeze

This Memorandum provides guidance on implementing the Memorandum of January 20, 2025, entitled "Regulatory Freeze Pending Review" ("Freeze Memo").

Postponement of Effective Dates of Certain Published Regulations

Paragraph 3 of the Freeze Memo instructs your departments and agencies ("agencies") as follows:

Consistent with applicable law and subject to the exceptions described in paragraph 1, consider postponing for 60 days from the date of this memorandum the effective date for any rules that have been published in the Federal Register, or any rules that have been issued in any manner but have not taken effect, for the purpose of reviewing any questions of fact, law, and policy that the rules may raise. During this 60-day period, where appropriate and consistent with applicable law, consider opening a comment period to allow interested parties to provide comments about issues of fact, law, and policy raised by the rules postponed under this memorandum, and consider reevaluating pending petitions involving such rules. As appropriate and consistent with applicable law, and where necessary to continue to review these questions of fact, law, and policy, consider further delaying, or publishing for notice and comment, proposed rules further delaying such rules beyond the 60-day period.

Your agency staff has identified or should promptly identify regulations¹ that have been published in the Federal Register but have not yet taken effect. For such regulations, paragraphs 3 and 4 of the Freeze Memo instruct your agency to undertake several actions.

First, absent applicable exceptions (discussed below) and "[c]onsistent with applicable law," consider postponing for 60 days the effective dates of final regulations that have been published but have not yet taken effect for the purpose of reviewing questions of fact, law, and policy. To

¹ In accordance with the Freeze Memo, this Memorandum uses a broad definition of "regulation." Please see the Applicability section below for more information.

the maximum extent possible, your explanations for postponement should be individualized to the regulation being postponed. In addition, the Administrative Procedure Act generally establishes procedural requirements for agencies promulgating rules, subject to certain exceptions and exemptions. Please consult with OMB's Office of General Counsel (OMB GC) and your agency's Office of General Counsel as you implement the Freeze Memo and this Memorandum.

Second, consider postponing the effective date beyond 60 days where appropriate. If such a postponement is appropriate, seek comment on the extended postponement, in accordance with the Freeze Memo.² If your agency takes comment on the initial 60-day postponement, e.g., by issuing a notice of proposed rulemaking, consider also using the same action to take comment, as a regulatory alternative, on an extended postponement. In addition, please consider taking comment on the regulation itself, including about questions of fact, law, and policy that the agency should weigh as it considers whether the regulation raises any substantial questions that would justify a longer postponement, a different regulatory approach, or other potential modifications to the regulation under consideration.

Finally, if during your review you determine a regulation raises no substantial question of fact, law, or policy, please provide your Office of Information and Regulatory Affairs (OIRA) Desk Officer a list of such regulations on which you plan to take no further action no later than two weeks prior to the postponed effective date for those regulations. Alternately, if you determine a regulation raises a substantial question of fact, law, or policy, please notify your OIRA Desk Officer promptly and consider whether your agency should perform additional rulemaking or take other further actions. If your agency determines it should take further actions, please consult with your OIRA Desk Officer in accordance with the Freeze Memo.

Actions Related to the Federal Register and OIRA

Your agency staff should identify for you regulations that have been sent to the Office of the Federal Register (OFR), but have not yet been filed for public inspection or have not yet been published. Subject to the two exceptions enumerated below, withdraw all such regulations that have been sent to OFR but have not yet been published. To facilitate such withdrawals, please see an example withdrawal letter in Appendix A. Note that the OFR's specific requirements for the withdrawal of documents depend on whether those documents have been filed for public inspection. Some of those requirements are particularly time sensitive. Specifically, for those regulations that have been filed for public inspection but not published,³ Chapter 5.4 of the Federal Register Document Drafting Handbook requires the following for withdrawals:

If we have filed the document for public inspection, your [Federal Register] Liaison Officer must request that we withdraw it from publication by emailing us the Document Withdrawal Request (after PIL [public inspection listing]) letter.

....

² For guidance documents, as referenced in the Applicability section, it may not be appropriate to go through notice and comment for a postponement, e.g., when the initial guidance did not go through notice and comment.

³ Agencies should promptly direct any questions regarding *Humane Society of the United States v. USDA*, 41 F. 4th 564 (D.C. Cir. 2022), to OMB OGC.

An employee with authority to submit Federal Register documents must sign this letter and that signature must match the name on the letter; usually this is your agency's Liaison Officer. If your agency's Liaison Officer or alternate is not available to sign the letter, contact OFR's Scheduling Unit to verify the authority of the signer.

Please note that the Federal Register will accept a single letter that contains multiple requests to withdraw regulations, as long as the list of applicable actions is clear. We recommend that agencies make efforts to consolidate their withdrawal requests; in any case, however, your agency must meet the applicable deadlines. The Liaison Officer must e-mail the OFR at fedreg.liaison@nara.gov as soon as possible to confirm that the letter has been sent. In addition:

The letter must reach the OFR **before 12 noon** on the business day [8:45 a.m. to 5:15 p.m. ET] before the document's scheduled publication date.

This means that OFR must receive a withdrawal letter for documents set to be published in the January 22, 2025 edition of the Federal Register by noon on January 21, 2025.⁴ Thus, if it has not already done so, your agency should submit withdrawal letters to the OFR as soon as possible.

In addition, subject to any exceptions, send no further regulations to the OFR until an agency head appointed or designated by the President after noon on January 20, 2025, reviews and approves the regulations.⁵ Also, consistent with the Freeze Memo's direction to comply with applicable Executive Orders (EOs) concerning regulatory management, please continue to follow the process outlined in EO 12866 to determine whether any such approved regulation is significant and therefore subject to OIRA review. Please specifically note that the EO 12866 process establishes that OIRA determines whether a regulation is significant and subject to OMB review; therefore, do not send any regulations to the OFR until that process with OIRA is complete.

Finally, consistent with the Freeze Memo's broad scope, and to ensure that OIRA reviews only those regulations that have already been reviewed by the appropriate person at each agency, I am requesting that your agency withdraw any regulations currently at OIRA.

Exceptions

There are two exceptions to the above directions. First, exclude from those actions any regulations "subject to statutory or judicial deadlines that require prompt action." These are regulations where performing the otherwise required review actions would endanger compliance with an operative statutory or judicial deadline. For example, agency civil monetary penalty adjustments that were due this month⁶ and were not significant regulations under EO 12866 likely fall within this

⁴ The previous administration hastily published an edition of the Federal Register on January 19, 2025, but dated it January 21, 2025. Final rules published on January 21, 2025, however, are fully subject to the freeze of effective dates set out above.

⁵ The Freeze Memo indicates that such a department or agency head may delegate this power of review and approval to any other person so appointed or designated by the President, consistent with applicable law.

⁶ See Federal Civil Penalties Inflation Adjustment Act of 1990, Pub. L. No. 101-410, 104 Stat. 890 (amended 2015) (codified as amended at 28 U.S.C. § 2461 note).

exception. After you have identified such regulations, please promptly contact your OIRA Desk Officer with a list of those regulations as well as a brief explanation of your determination that provides a reference to the statutory or judicial deadline.

Second, the Freeze Memo authorizes the Director or Acting Director of the Office of Management and Budget to make exceptions from the Presidential Regulatory Freeze Memorandum's requirements under paragraphs 1–3 “for emergency situations or other urgent circumstances relating to health, safety, financial, or national security matters, or otherwise.” Please send your OIRA Desk Officer a proposed list of such regulations, if any; the type or stage of each regulation; which paragraphs of the Freeze Memo those regulations should be excepted from; and a brief explanation for each such regulation of the emergency situation or urgent health, safety, financial, national security, or other matter that forms the basis of the requested exception. The Office of Management and Budget will review your justification promptly and provide further guidance.

Applicability

As used in this Memorandum, “regulation” has the meaning given to “regulatory action” in section 3(e) of EO 12866, and also includes any “guidance document” as defined in section 3(g) of EO 12866 as it existed when EO 13422 was in effect. In other words, “regulation” means:

1. Any substantive action by an agency (normally⁷ published in the *Federal Register*) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking, and
2. Any agency statement of general applicability and future effect, other than a regulatory action as defined in EO 12866, “that sets forth a policy on a statutory, regulatory, or technical issue or an interpretation of a statutory or regulatory issue.”

If you have any questions about this Memorandum, the Freeze Memo, or the review process, please contact your OIRA Desk Officer or OMB OGC.

⁷ Note there may be circumstances where a substantive action of the type EO 12866 contemplates is not published in the *Federal Register*.

APPENDIX A

[AGENCY LETTERHEAD]

January [XX], 2025

Oliver Potts, Director
Office of the Federal Register (F)
The National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001

Dear Mr. Potts:

Please withdraw from publication [NAME OF REGULATORY ACTION and RELEVANT IDENTIFYING INFORMATION (including agency docket number, and, for rules and proposed rules, RIN number)], which is currently [on public inspection and] scheduled to publish in the Federal Register on January [YY], 2025.

This request made in compliance with the Presidential Memorandum titled Regulatory Freeze Pending Review, signed on January 20, 2025, by President Donald J. Trump.

Please contact [INSERT NAME] at [TELEPHONE NUMBER] or by email at [INSERT EMAIL ADDRESS] to confirm the publication date and for answers to any questions.

Sincerely,

[SIGN]

Type name
Title