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Office of Information and Regulatory Affairs (OIRA)

Memorandum for Deputy Secretaries

From: Howard Shelanski
Administrator, Office of Information and Regulatory Affairs

Subject: Regulatory Review at the End of the Administration

The Office of Information and Regulatory Affairs (OIRA) is dedicated to working with Executive Branch agencies to accomplish their remaining regulatory goals over the last year of this Administration. We are grateful for the efforts that all departments and agencies have made to date to establish and accomplish their regulatory priorities. To achieve important policy objectives in a manner that best serves the public, the agencies and OIRA will continue to be guided by the same practices and principles for the development and review of regulations that we have upheld throughout this Administration.

The fall 2015 Regulatory Plan and Agenda provide a window into planned regulatory activity for 2016, and reflect a balanced consideration of agency priorities, statutory requirements, and judicial deadlines. OIRA asks that agencies adhere closely to the dates established in the fall 2015 Plan and Agenda and notify us promptly if such dates, which were established to ensure that regulations continue to benefit from adequate public scrutiny and interagency review, need to be adjusted. We will continue to review draft rules with the careful consideration they are due under relevant statutes, applicable executive orders, including Executive Orders 12866 and 13563, and related guidance, such as Office of Management and Budget Circular A-4. To that end, while we recognize that unforeseen circumstances, new statutory requirements, and other events can cause an agency to modify its priorities, OIRA will maintain its normal processes and its normally applicable analytical standards of review through to the end of the Administration. OIRA will also continue to apply its standard criteria for determining whether proposed rules are “significant” under the Executive Orders, and therefore subject to formal interagency review.

Because OIRA’s normal review procedures will remain in place, agencies can best ensure timely review of their significant rules by providing OIRA with advance notice of upcoming submissions, and by making sure that all rule submission packages are well-drafted, thorough, and complete.

Finally, as many programs require regulations in the normal course of their operations and policy development, we realize agencies will issue many needed regulations throughout 2016. To the extent feasible and consistent with your priorities, statutory obligations, and judicial deadlines, however, agencies should strive to complete their highest priority rulemakings by the summer of 2016 to avoid an end-of-year scramble that has the potential to lower the quality of regulations that OIRA receives for review and to tax the resources available for interagency review.

Thank you again for your planning efforts to date. I am happy to discuss any questions or concerns you have as you move forward with your regulatory priorities over the final year of the Administration.



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