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Client Alert: 2022 Biden Administration Regulatory Framework Released by Office of Management and Budget

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Despite the recent news from Senator Joe Manchin (D-WV) that he will not support the President's "Build Back Better" (BBB) legislation, the Biden Administration (Administration) continues to move forward with its regulatory agenda. For those supporting the BBB legislation, all hope is not lost that Senator Manchin and the White House can reach an amicable agreement in 2022. Nevertheless, President Biden and his Cabinet will aggressively act on implementing an ambitious plan to fulfill many of his campaign promises through a process that avoids the trappings of a narrowly divided Congress that is entering an election year.

The publication laying out the Administration's regulatory framework is known as the "Unified Agenda," but many are unfamiliar with this "goal-setting" document. The following briefly explains what it is and why your business and you should pay attention to it.

WHAT IS THE UNIFIED AGENDA?

The *Unified Agenda*, published semi-annually, provides uniform reporting of data on regulatory and deregulatory activities under development throughout the Federal Government, covering approximately 60 departments, agencies, and commissions. Each edition of the *Unified Agenda* includes regulatory agendas from all federal entities that currently have regulations under development or review.

This edition, and all fall editions, of the *Unified Agenda* include "The Regulatory Plan," which present agency statements of regulatory priorities and additional information about the most significant regulatory activities planned for the coming year. The activities included in individual agency agendas are primarily those currently planned to have an Advance Notice of Proposed Rulemaking (ANPRM), a Notice of Proposed Rulemaking (NPRM), or a Final Rule issued within the next 12 months. However, to keep interested parties better informed of opportunities for participation in the rulemaking process, an agency may list in the "Long-Term Actions" section of its agenda, those rules it expects will have the next regulatory action more than 12 months after publication of the agenda.

The complete Fall 2021 *Unified Agenda* contains the Regulatory Plans of 27 federal agencies and 67 federal agency regulatory agendas.

WHERE CAN I FIND IT?

A searchable online edition can be found reginfo.gov.

HOW FIRM ARE DEADLINES WITHIN THE *UNIFIED AGENDA*?

Other than court-ordered deadlines, the dates included in the latest *Unified Agenda* are non-binding, self-imposed targets and they frequently slip. However, the *Unified Agenda* provides a broad sense of the Administration's regulatory priorities heading into next year.

WHAT'S IN THE FALL 2021 *UNIFIED AGENDA*?

A majority of the rulemakings are targeted toward environmental and energy-related topics, but are not limited to just those topics. Please take a few moments to review any relevant departments/agencies for possible engagement at the federal level.

If you see anything of interest, please feel free to reach out to me at rwalker@shumakeradvisors.com. I am happy to put together a briefing or jump on a call to discuss a strategy for federal engagement.