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OMB RELEASES FALL 2015 REGULATORY AGENDA

Earlier today, the White House Office of Management and Budget released its semi-annual **Unified Regulatory Agenda and Regulatory Plan for Fall 2015**, covering 59 Federal departments, agencies, and commissions. Entries are categorized in one of five rulemaking stages: Prerule Stage, Proposed Rule Stage, Final Rule Stage, Long-Term Actions, and Completed Actions.

The Agenda and Plan are preliminary statements of regulatory and deregulatory policies and priorities under consideration. They include "active rulemakings" that agencies could possibly conclude over the next year. The Plan provides a list of important regulatory actions that agencies are considering for issuance in proposed or final form during the 2016 fiscal year. In contrast, the Agenda is a more inclusive list, including numerous ministerial actions and routine rulemakings, as well as long-term initiatives that agencies do not plan to complete in the coming year but on which they are actively working.

The Obama Administration can be expected to vigorously pursue its regulatory agenda for the last year of President Obama's term in office. We expect to see continued activity on an array of regulatory matters, including health care, financial services, and the environment, as a result of the Affordable Care Act, the Dodd-Frank Wall Street Reform Act, and the decades-old Clean Air Act and Clean Water Act.

The Unified Agenda and Plan includes thousands of proposals in various stages of the process, but two have been receiving near-daily coverage in the trade and national press, the Environmental Protection Agency's Power Plant rule and the Department of Labor's fiduciary rule regarding financial advice. Other rules that may not see regular press coverage but that could have significant impact on their relevant industry sectors – for example, there are 50 each at the Department of Health and Human Services (HHS) Centers for Medicare & Medicaid Services and Food and Drug Administration that would have tremendous impact on health care and food safety.

Republican opposition to the administration's regulatory agenda will mean continued oversight hearings and efforts to block proposed regulations by withholding funds or using legislative procedures such as the Congressional Review Act (CRA), which empowers Congress to review new regulations through an expedited process and to overrule a regulation via passage of a Joint Resolution of Congress.

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