

The Regulatory Development Process

How and When to Make an Impact

1. Direction for New Rules

Regulations usually start with direction from Congress, the President, or a Court. Congressional authority is always needed. Congress can direct or narrow the authority for issuing new regulations. Limiting open-ended authority for new rules can help keep agencies on track.



2. Initial Public Notice

Agencies should identify all upcoming rules in the Unified Agenda of Regulatory & Deregulatory Actions. Monitor the "Unified Agenda" at www.reginfo.gov to identify early opportunities.

3. Information Gathering

Agencies often issue a Request for Information or an Advanced Notice of Proposed Rulemaking to gather early views. Monitor www.federalregister.gov by agency.



4. Draft Regulatory Proposal

After gathering early views, a regulatory proposal is drafted and sent to the Office of Management and Budget for review. Meetings with OMB and the agency can be requested on the Regulatory Review Dashboard at www.reginfo.gov.



5. Public Comment

After OMB review, proposed rules are published at www.federalregister.gov. By law, the agency must respond to each substantive comment on the proposal.



6. Finalize Regulatory Text

The agency then reviews and responds to comments, develops a final rule, and sends it back to OMB for review. Meetings with OMB and the drafting agency are again welcome.



7. Publication & CRA Review

After OMB review, the final rule is published at www.federalregister.gov. Congress has 60 days to review and bring a resolution of disapproval under the Congressional Review Act. For rules with \$100M annual effects, effective dates must be delayed 60 days and additional information provided to Congress.

