

# Biden's Spring 2022 Unified Agenda

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## In brief...

The Spring 2022 Unified Agenda reflects the Biden administration's continued priority on policies addressing the COVID-19 pandemic. However, this Agenda also contrasts with the previous ones, suggesting a larger focus on other administration priorities related to environmental, health, immigration, and education policy.

## Introduction

At the end of June, the Office of Information and Regulatory Affairs (OIRA) released the Spring edition of its semiannual [Unified Agenda](#). The Unified Agenda contains summaries of regulatory actions in development or recently completed by federal agencies. This release marks the Biden administration's third Unified Agenda. As with the [first two Agendas](#), policies addressing the COVID-19 pandemic are seen throughout the document. However, this Agenda also contrasts with the previous ones, suggesting a larger focus on other administration priorities related to environmental, health, immigration, and education policy.

## What's in the Spring 2022 Agenda?

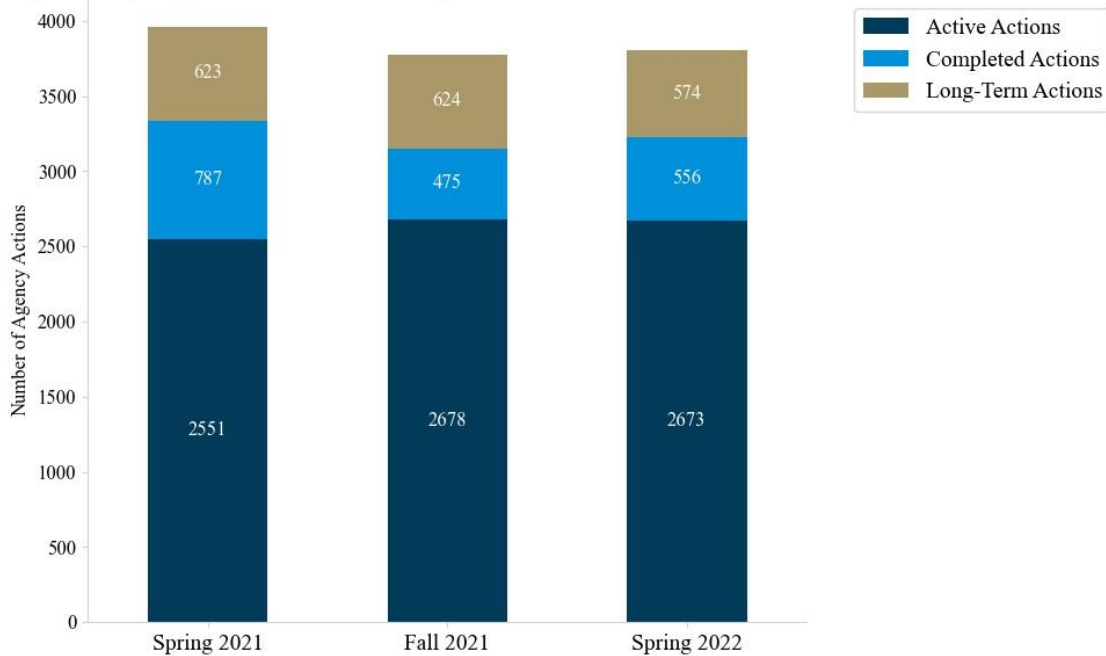
The Spring 2022 Unified Agenda contains a total of 3,803 agency actions, including 294 [economically significant](#) actions (Table 1). According to the stage of development, 2,673 actions are listed as active (the next agency action is expected within 12 months), 574 as long-term (beyond 12 months), and 556 as completed actions (rules finalized or withdrawn since the previous Unified Agenda was published).

**Table 1: Contents of the Spring 2022 Agenda**

Stage	All Agency Actions	Economically Significant Actions	First time published
Active	2,673	220	407
Long-term	574	38	38
Completed	556	36	76
Total	3,803	294	521

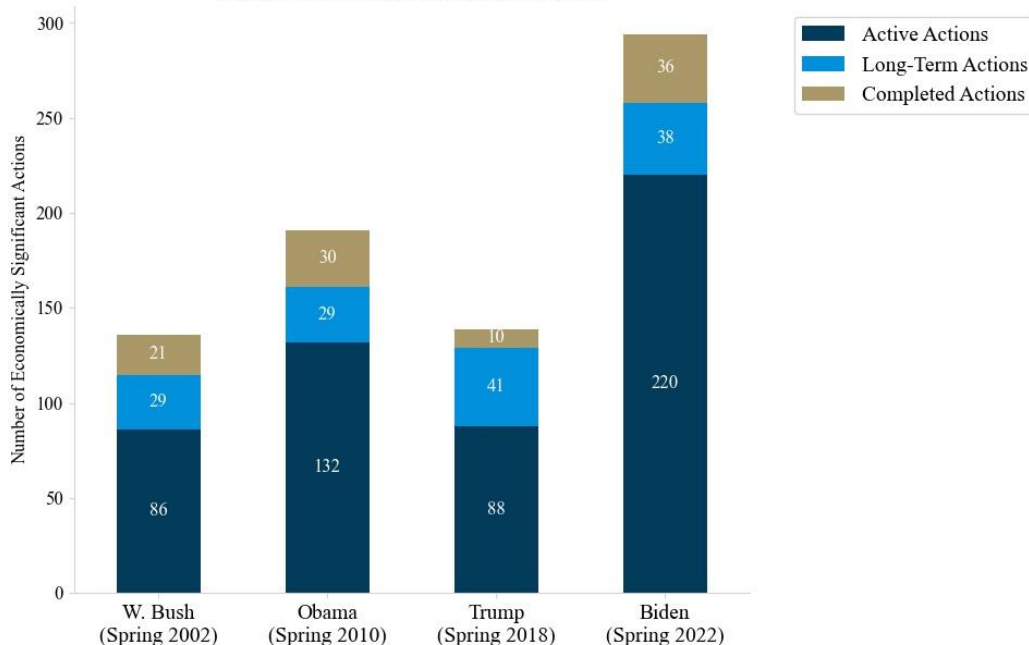
Among the 2,673 active actions, 407 (over 15%) were published for the first time in the Unified Agenda and 220 are economically significant actions (of which 15 were published for the first time).

Figure 1: Spring 2022 and Previous Agendas under the Biden Administration



Compared to the previous Agendas published under the Biden Administration, there are no significant changes in the number of actions published in this Agenda (Figure 1). The total number of actions slightly increased from 3,777 to 3,803 (a 0.7% increase) compared to the Fall 2021 Agenda, while the number of active actions remains almost the same.

Figure 2: Economically Significant Actions Published in the 3rd Unified Agenda under Different Administrations

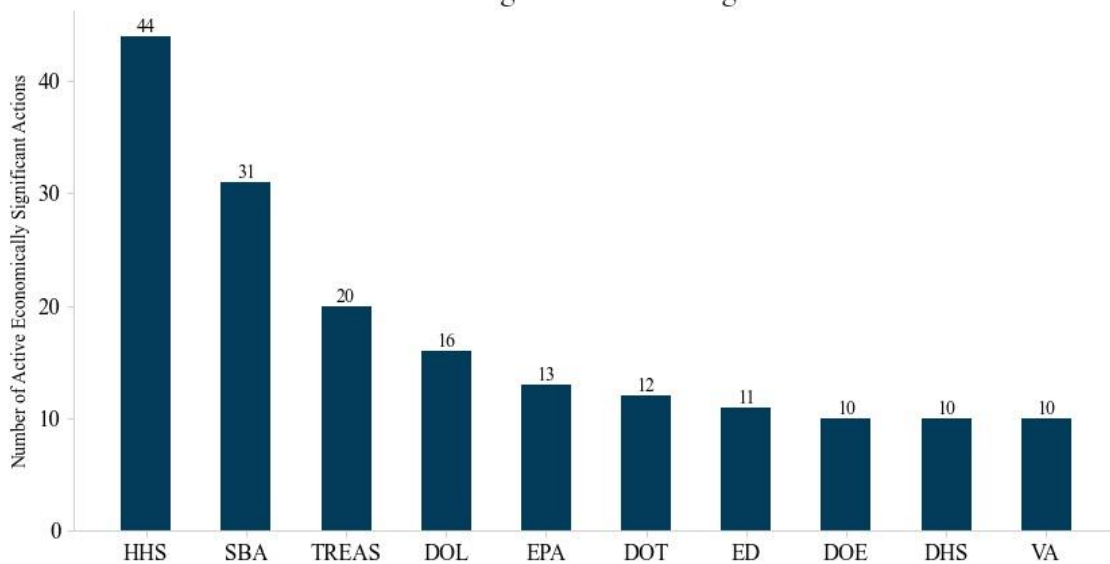


The number of economically significant actions published in the Spring 2022 Unified Agenda is substantially higher than those published in the third Agenda under previous administrations (Figure 2). The increase is mostly driven by the number of active rulemakings, partially reflecting the inclusion of agency actions addressing the COVID-19 pandemic.

## Economically Significant Actions Highlight Shift Away from COVID-19 Spotlight

Economically significant actions are a particularly [useful measure](#) to gauge the priorities and regulatory output of a presidential administration. As shown in Figure 3, the agencies with the highest number of active economically significant actions planned include the Department of Health and Human Services (HHS) (44), the Small Business Administration (SBA) (31), the Department of the Treasury (TREAS) (20), the Department of Labor (DOL) (16), the Environmental Protection Agency (EPA) (13), the Department of Transportation (DOT) (12), the Department of Education (ED) (11), the Department of Energy (DOE) (10), the Department of Homeland Security (DHS) (10), and the Department of Veterans Affairs (VA) (10).

Figure 3: Active Economically Significant Actions in the Spring 2022 Unified Agenda for Select Agencies



In line with the [first two](#) Biden Agendas, HHS is working on the largest number of economically significant rules across agencies with 44. These active actions represent policies from five sub-agencies of HHS, although the majority come from the Centers for Medicare and Medicaid Services (CMS). Many of these CMS rules deal with recurring actions, such as [payment system rates](#), [reporting requirements](#), and [prescription drug benefit programs](#) for upcoming fiscal and contract years. Following an interim final rule from last year, CMS also plans to issue a final rule [addressing](#) surprise billing. The Treasury Department is also [working on four actions](#), the Office of Personnel Management is undertaking two [final actions](#), and the Labor Department is finalizing [two actions](#) related to surprise billing and the [No Surprises Act](#).

The agencies with the second and third most active economically significant actions—SBA and the Treasury Department—can attribute a large portion of their rules to dealing with the Paycheck Protection

[Regulatory Studies Center](#)

Program and the CARES Act. Specifically these encompass six Treasury actions and essentially all SBA rules (excluding one related to [Disaster Loan Program regulations](#), which is still related to COVID-19 relief policies). Nevertheless, most agency actions seem to be shifting away from the spotlight on the COVID-19 pandemic and toward other administration priorities.

The Spring 2022 Unified Agenda continues to reflect the administration’s approach to environmental policy. President Biden issued an [executive order](#) on his first day in office directing agencies to “consider ... suspending, revising, or rescinding” specific rules, such as EPA’s revisions to the definition of Waters of the United States (WOTUS). EPA [anticipates](#) that it will not release a proposed revision to the definition of WOTUS until November 2023. EPA also expects that it will not [propose](#) a regulation of greenhouse gases from power plants until March 2023. EPA also included actions such as [designating](#) PFOA and PFAS as hazardous substances.

Following [Executive Order 14037](#) from 2021, EPA is also working on rules updating fuel efficiency and greenhouse gas emissions standards for [light-duty](#), medium-duty, and [heavy-duty](#) vehicles. EPA is [coordinating](#) with the Transportation Department on these measures, which has traditionally regulated vehicle fuel economy (also called [CAFE standards](#)).

Other notable environmental actions include a [plan](#) by the Interior Department to revise the fees, rents, and royalties for oil and gas leasing and a [plan](#) by the Council on Environmental Quality (CEQ) to propose “Phase 2” National Environmental Policy Act (NEPA) implementing regulations. CEQ also [anticipates](#) that it will release a guidance document on how to consider greenhouse gas emissions and climate change in actions subject to NEPA.

The Spring 2022 Unified Agenda also reflects the administration’s focus on addressing the opioid crisis. HHS plans to [propose](#) a rule that will make permanent some of the flexibilities for opioid treatment that the agency provided in response to the COVID-19 public health emergency. HHS made it easier for patients to take home doses of methadone, and research—including a [report](#) by Bridget Dooling and Laura Stanley—shows that HHS can make this change permanent through a regulatory change. DEA also [plans](#) to propose a rule that will allow practitioners to more readily use telemedicine to prescribe controlled substances, including the drugs used to treat opioid use disorder.

Other ongoing priorities reflected in the Unified Agenda relate to higher education reforms and immigration policies. The Education Department is going forward with a series of rules from its Office of Postsecondary Education. For instance, the department is planning on amending regulations related to [borrower defense](#) practices for federal loan repayment and revisiting its [Public Service Loan Forgiveness](#) program. [Several more actions](#) at the proposed rule stage deal with provisions of the Higher Education Act of 1965 (as amended). DHS is working on policies related to [Deferred Action for Childhood Arrivals](#) (DACA) and [inadmissibility on public charge grounds](#), after the latter rule from the Trump administration was [vacated](#) by the courts and rescinded by the department [last year](#). Finally, DHS is [collaborating](#) with the [Justice Department](#) on asylum screening procedures.

## Conclusion

The Biden administration's third Unified Agenda suggests that federal agencies are moving forward with regulations on a wide variety of policy areas. Although the COVID-19 pandemic remains a focus of regulatory agencies, other administration priorities related to the environment, public health, immigration, and education seem to be taking center stage.