

# Distributional Language in Regulatory Executive Orders

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## In brief...

To achieve the goals outlined in Biden’s Modernizing Regulatory Review Memorandum regarding the distributional effects of regulations, federal agencies will likely draw on the language highlighted in this Commentary.

For decades, presidents have used their executive power to guide the regulatory process. President Biden continues this trend with his [Modernizing Regulatory Review Memorandum](#), which charges federal agencies with amending the regulatory review process to address the unique challenges that our country faces today. The memorandum directs agencies to provide “concrete suggestions on how the regulatory review process can promote public health and safety, economic growth, social welfare, racial justice, environmental stewardship, human dignity, equity, and the interests of future generations.” In particular, it seeks “procedures that take into account the distributional consequences of regulations... to ensure that regulatory initiatives appropriately benefit and do not inappropriately burden disadvantaged, vulnerable, or marginalized communities.”

The following timeline examines some key regulatory executive orders that provide a blueprint for distributional impact analysis in regulatory review. We see that early regulatory EOs are concerned with the net economic impact of regulations on society. However, beginning with Clinton’s EO 12866, regulatory EOs have evolved to include various impacts of regulations on vulnerable populations. To achieve the goals outlined in Biden’s memorandum, federal agencies will likely draw on the distributional language highlighted below.









<p>Continued Growth of the American Economy</p> <p><i>President Obama</i></p>	<p>reduced opportunities for workers—can <b>impact Americans in every walk of life</b>. Competitive markets also help advance national priorities, such as the delivery of <b>affordable health care</b>... and improved access to fast and <b>affordable broadband</b>. Competitive markets also promote economic growth, which <b>creates opportunity</b> for American workers and encourages entrepreneurs to start innovative companies that create jobs.”</p> <p>“Executive departments and agencies can contribute to [competitive markets] through, among other things, pro-competitive rulemaking and regulations, and by eliminating regulations that create barriers to or limit competition.”</p> <p>“Agencies shall identify specific actions that they can take in their areas of responsibility to build upon efforts to detect... anticompetitive behavior [and] to address undue burdens on competition.”</p>
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\*Still in effect as of the date of this publication

Helpful Links: <https://www.archives.gov/federal-register/executive-orders/disposition>

<https://regulatorystudies.columbian.gwu.edu/distributional-effects-regulatory-impact-analysis>

<https://regulatorystudies.columbian.gwu.edu/project-worth-watching-oir>