

M-03-21, OMB Circular No. A-4, "Regulatory Analysis"

September 17, 2003

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MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Joshua B. Bolten
Director

SUBJECT: OMB Circular No. A-4, "Regulatory Analysis"

This memorandum is intended to bring to your attention a new OMB Circular. Circular A-4, "Regulatory Analysis," provides guidance to Federal agencies on the development of regulatory analysis as required under Section 6(a)(3)(c) of Executive Order 12866, "Regulatory Planning and Review," and a variety of related authorities. The Circular also provides guidance to agencies on the regulatory accounting statement that are required under the Regulatory Right-to-Know Act.

This Circular refines OMB's "best practices" document of 1996 (<http://www.whitehouse.gov/omb/inforeg/riaguide.html>), which was issued as a guidance in 2000, and reaffirmed in 2001 (<http://www.whitehouse.gov/omb/memoranda/m01-23.html>).

A draft of this Circular was developed by OMB and the Council of Economic Advisors (CEA). The draft was subject to public comment, external peer review, and interagency review. The new Circular can be accessed through the OMB website.

This Circular applies to the regulatory analyses for draft proposed rules that are formally submitted to the Office of Information and Regulatory Affairs (OIRA) after December 31, 2003, and for draft final rules that are formally submitted to OIRA after December 31, 2004. (However, if the draft proposed rule is subject to the Circular, then the draft final rule will also be subject to the Circular, even if it is submitted prior to January 1, 2005.) To the extent practicable, agencies should comply earlier than these effective dates. Agencies may, on a case-by-case basis, seek a waiver from OMB if the effective dates are impractical.

If you have any questions about this Circular or its application, please contact Office of Information and Regulatory Affairs at 202/395-3084.

