



Trump Administration Issues “Priebus Memo” Requiring Regulatory Freeze for Pending Regulations

On January 20, 2017, President Donald Trump’s administration issued the “[Priebus Memo](#)” requiring a regulatory freeze for pending regulations. Key highlights include:

- The memo asks federal agencies to freeze all pending regulations until the new Administration has an opportunity to review. The Director of the White House Office of Management and Budget (OMB) is responsible for implementing this regulatory review.
- The memo calls for the withdrawal of regulations that were sent to the Office of the Federal Register but not yet published in the Federal Register prior to the date of the memo (January 20, 2017).
- The memo calls for “temporarily postpone[ing]” for 60 days the effective date for rules that were published in the Federal Register but had not yet taken effect as of January 20, 2017.
- The memo also asks agencies to consider, “[w]here appropriate and as permitted by applicable law,” to “consider proposing for notice and comment a rule to delay the effective date for regulations beyond that 60-day period.”
- Certain regulatory actions are excluded from the memo’s requests, including any regulations subject to statutory or judicial deadlines. The memo asks agency heads to identify such exclusions to the OMB Director and to consult the OMB Director on any regulations “that raise substantial questions of law or policy.”
- The regulatory freeze requests reflected in the Priebus memo are similar (though not identical) requests made by prior administrations when a new president takes office, as a mechanism to afford the White House an opportunity to review pending regulations that have not yet taken effect.

If you have any questions regarding this Sidley Update, please contact the Sidley lawyer with whom you usually work or

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