



ALERTS

Corporate Compliance Officers: Take Note Of Biden's Regulatory Freeze

February 24, 2021

Highlights

President Biden directed a halt to new federal regulations to ensure consistency with policy direction

No new rules are to be transferred to the Federal Register until they have been reviewed by an appointee of the Biden administration

Rules already in progress are to be withdrawn or delayed at least until March; some agencies have opened a comment period

President Biden has [directed executive branch agencies](#) to halt implementation of new regulations pending a further review by the new administration. This regulatory freeze is intended to permit the new administration to determine if regulations slated to take effect are consistent with its policy direction. While many decisions about regulations will be made in 90 days, it is possible that this policy directive could extend beyond that point as cabinet officials continue to be considered and confirmed by the Senate.

Corporate compliance officers and other staff should take note of the parameters of Biden's action, as it affects numerous federal regulations

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that were due to be implemented in early 2021.

The directive requires that – except for emergency situations related to health, safety, environmental, financial or national security matters – no rules are to be transmitted to the Office of the Federal Register (OFR) until a department or agency head appointed by President Biden has had an opportunity to review the proposed rule.

All rules that have already been transmitted to the OFR, but have not been published, are to be withdrawn immediately subject to Federal Register protocols.

Rules that have been published or that have been issued in any way, but have not taken effect, are also frozen, as President Biden has asked that agencies delay implementation until after March 20. Agencies were also asked to consider opening a 30-day comment period during that moratorium to permit stakeholders an additional opportunity to remark on the rule.

Corporate compliance staff should consider monitoring regulations that may be important to their institutions to necessitate making adjustments to their compliance programs.

For more information, please contact the Barnes & Thornburg attorney with whom you work or Ron Miller at ronnie.miller@btlaw.com or (202) 408-6923 or Brian Weir-Harden at brian.weir-harden@btlaw.com or (317) 231-6424.

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