



**Office of Information and Regulatory Affairs' Guidance on
Implementation of Trump's Executive Order 13783
"Promoting Energy Independence and Economic Growth"
Reveals Opportunity for Industry Input**

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On May 8, 2017, the Office of Information and Regulatory Affairs released a memorandum ("Memorandum") providing guidance to agencies and Executive Departments on how to implement Section 2 of President Trump's Executive Order 13783 "Promoting Energy Independence and Economic Growth."

The Memorandum contemplates that efforts to identify agency actions that potentially burden the development or use of domestically produced energy resources will be a multiple month process extending at least until the end of September 2017. Actual modification or repeal of burdensome agency actions will occur sometime after September 2017. While this will be a time-consuming effort, the memorandum contemplates a thorough review and analysis of existing regulations and other agency actions, including stakeholder input.

On May 12, 2017, agencies were required to submit plans to carry out review all existing regulations, orders, guidance, policies, and other similar agency actions that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources (collectively "Agency Actions"), to the Office of Management and Budget ("OMB"), among others.

The Memorandum requires agency plans to include details on how the agency intends to:

- (1) Identify burdensome Agency Actions;
- (2) Seek input from entities significantly affected by those Agency Actions;
- (3) Classify those Agency Actions;
- (4) Review those Agency Actions, including any quantitative analysis the agency plans to perform; and
- (5) Develop recommendations that could alleviate or eliminate the potential burden.

By July 26, 2017, agencies must submit a draft final report to the OMB Director, among others, including the following information:

- (1) The identification and classification of Agency Actions that potentially burden the development or use of domestically produced energy resources;
- (2) How the agency plans to seek input from entities significantly affected by Agency Actions that potentially burden the development or use of domestically produced energy resources;
- (3) Recommendations, consistent with law, that could alleviate or eliminate aspects of Agency Actions that burden domestic energy production or use;
- (4) The expected timeframe for when the recommendation would be implemented;
- (5) How the agency will track implementation;
- (6) To the extent feasible, preliminary estimates by Agency Action of the costs and cost savings, increased production, or other beneficial effects, that may be achieved by implementing each recommended action; and
- (7) Whether those actions have been identified as part of activities undertaken in compliance with Executive Order 13771 (Executive Order on Reducing Regulation and Controlling Regulatory Costs) or Executive Order 13777 (Executive Order on Enforcing the Regulatory Reform Agenda).

Agencies are required to finalize their reports by September 24, 2017 unless the OMB Director, in consultation with the other Executive Officials who receive reports, agrees to extend the deadline. The Memorandum urges agencies to consider seeking public input on the draft final report and to consult with the OMB on an appropriate means for doing so. Final reports must be published in the Federal Register and on the agency website.

For more information about the Memorandum, please contact [Nicole Blevins](#).