DEMOCRACY 2025 | DEMOCRACY FORWARD

To: Partners
From: Democracy Forward Foundation
Re: Primer: 2026 Unified Agenda
Date: September 17, 2026

What is the Unified Agenda?

The Unified Agenda is a document released by the Office of Information and Regulatory Affairs (OIRA), within the Office of Management and Budget (OMB), that compiles the rulemakings that every federal agency has underway or plans to begin in the coming year. Historically, it was released every six months; beginning in 2025, the Trump-Vance administration appears to have switched to an annual cadence. Each edition of the Unified Agenda is published alongside the Regulatory Plan, a companion document in which agencies describe their regulatory priorities and highlight their most significant planned actions.

This cycle, the Unified Agenda was published by OIRA on July 6, 2026 and agency agendas were published in the Federal Register on August 14, 2026. The combined Unified Agenda includes 3,954 entries across 78 federal agencies; 1,119 entries appear for the first time this cycle; 2,835 carry over from prior editions.

Why is it useful to the pro-democracy community?

The Unified Agenda is a snapshot of agency priorities at the time the agency compiled its materials for submission to OIRA. It can be useful in a number of ways.

- The agenda can be an early signal that a policy change is coming, often months ahead of a Federal Register notice.
- Abstracts frequently name the executive order or legal theory driving the rule, which can tell us how the agency will approach the rulemaking.
- Projected Notice of Proposed Rulemaking (NPRM) and Final Rule dates can help interested groups prepare to respond to upcoming proposals and final rules.
- Patterns in the Unified Agenda can reveal broader goals across the executive branch. When similar rules appear at many agencies in one cycle, that generally reflects a centrally directed policy change.

The Unified Agenda also has some important limitations:

- Not always current — There is a delay between when agencies compile their materials and when they are published in the Unified Agenda. As a result, agency materials may already be outdated when the Unified Agenda is released.

- Not binding — Agencies routinely miss projected dates, drop listed rules, and publish rules that never appeared on an agenda.
- Not complete — Guidance documents, sub-regulatory policies, and exercises of enforcement discretion never show up here.
- Not all new — Many of the regulations were listed previously, or have already been making their way through the regulatory process.
- Not self-explanatory — Neutral titles can mask significant substantive changes. Some titles and abstracts are too vague to determine whether the rule will be a meaningful policy change.

The below analysis of the July 2026 Unified Agenda identifies dominant themes of the Trump-Vance administration's agenda and draws attention to specific forthcoming rules. This is designed to help partners understand, analyze, and where appropriate, prepare to effectively challenge these rulemakings in a coordinated and efficient manner.

Note that this analysis relies on the stated language in the Unified Agenda, which may not reflect what the agency ultimately proposes or finalizes. The status of each rulemaking discussed below is based on information in the Unified Agenda and the Federal Register as of September 1, 2026. You can access the latest information about pending rulemakings at Democracy Forward's Regulatory Activity Tracker.

1. Main Theme: The Systematic Erosion of Civil Rights Protections

The dominant theme across the 2026 Unified Agenda is the systematic dismantling of the civil rights regulatory infrastructure across multiple agencies and legal approaches.

This cycle's edition opens with an introductory statement from OMB General Counsel Mark Paoletta, touting a deregulatory agenda that will "put America—and Americans—first" and "eradicate the ideology of Diversity, Equity, and Inclusion (DEI)." Individual agency statements carry this theme further. The U.S. Department of Education (ED) says one of its priorities is to "ensure that Federal funds support students and families instead of extreme ideologies that divide Americans by race and deny that sex is a binary, immutable human characteristic." The U.S. Department of Health and Human Services (HHS) prioritizes actions that "protect religious liberty and conscience rights" and "support biological women, children, and families." The U.S. Department of Labor (DOL) describes itself as "replacing divisive DEI requirements with meritocracy."

Removing disparate impact liability

- Agencies across the government are removing disparate impact liability from their regulations under Title VI, which prohibits discrimination in programs or activities that receive federal funding. Note that rules cannot change statutory text; instead, they implement the statute and communicate how the agency will apply and enforce it.
    - The U.S. Department of Justice (DOJ) was the first to issue its rescission rule in December 2025, and more than a dozen agencies have since followed suit.[1]
    - The majority of these rules were issued as final rules with no opportunity for notice and comment. Only the U.S. Department of Veterans Affairs (VA), Corporation for National and Community Service (CNCS), which operates Americorps, and the U.S. Department of Housing and Urban Development (HUD) provided opportunities to comment on these rescission rules. **HUD's proposed rescission rule is open for comment through October 9, 2026.**
    - The Unified Agenda shows that similar rescission rules are still under development at the U.S. Environmental Protection Agency (EPA) (RIN 2090-AA42) and the U.S. Nuclear Regulatory Commission (NRC) (RIN 3150-AL67).
    - Beyond Title VI, agencies are removing disparate impact provisions from their regulations under other civil rights statutes.
    - The U.S. Department of Commerce (DOC) plans to remove disparate impact provisions from its regulations under the Age Discrimination Act of 1975 (RIN 0605-AA80).
    - The U.S. Department of Energy (DOE) (RIN 1903-AA21) and the Small Business Administration (SBA) (RIN 3245-AI41) also plan revisions to their Age Discrimination Act regulations, though the abstracts for those rules do not specify whether these revisions relate to the disparate impact provisions specifically.

[1] DOJ, RIN 1190-AA83, Final Rule published December 10, 2025; DOC, RIN 0605-AA70, Final Rule published April 16, 2026; DOI, RIN 1093-AA30, Final Rule published May 22, 2026; DOT, RIN 2105-AF45, Final Rule published June 11, 2026; USDA, RIN 0503-AA89, Final Rule published June 17, 2026; DHS, RIN 1601-AB22, Final Rule published June 22, 2026; VA, RIN 2900-AT04, Proposed Rule published June 26, 2026; DOL, RIN 1291-AA49, Final Rule published July 2, 2026; NASA, RIN 2700-AE89, Final Rule published July 6, 2026; State, RIN 1400-AG23, Final Rule published July 9, 2026; AmeriCorps (CNCS), RIN 3045-AA95, Proposed Rule published July 23, 2026; DOD, RIN 0790-AM02, Final Rule published July 24, 2026; ED, RIN 1870-AA20, Final Rule published July 24, 2026; HHS, RIN 0945-AA29, Final Rule published July 24, 2026; Treasury, RIN 1505-AC91, Final Rule published August 3, 2026; NSF, RIN 3145-AA74, Final Rule published August 4, 2026; GSA, RIN 3090-AL09, Final Rule published August 14, 2026; NEA, NEH, and IMLS (joint rule of the National Foundation on the Arts and the Humanities), RINs 3135-AA37, 3136-AA48, and 3137-AA30, Final Rule published August 26, 2026.

- DOC also plans to remove disparate impact from its regulations under Sec. 504 of the Rehabilitation Act of 1973 (RIN 0605-AA78), and to remove provisions "promoting disparate impact and affirmative action" under its Title IX regulations (RIN 0605-AA77).

- Disparate impact liability is also being removed under the Fair Housing Act, the Equal Credit Opportunity Act (ECOA), Title VII, and Section 188 of the Workforce Innovation and Opportunity Act.

  - HUD has proposed to remove its Fair Housing Act disparate impact regulations entirely, leaving the interpretation of disparate impact liability under the Act to the courts. HUD first issued that proposal in January 2026, followed by a supplemental notice of proposed rulemaking in August 2026 that would also amend HUD's Title VI regulations (RIN 2529-AB09). **Comments are due October 9, 2026**.

  - DOL plans a direct final rule to eliminate disparate impact liability for Workforce Innovation Opportunity Act (WIOA) Title I grant recipients, implement Executive Order (EO) 14168's definitions of sex discrimination, and "clarify" that limited-English-proficiency access obligations are not mandatory (RIN 1291-AA50).

  - The U.S. Equal Employment Opportunity Commission (EEOC) plans to rescind the 1978 Uniform Guidelines on Employee Selection Procedures, which required employers to validate hiring tests and selection procedures shown to have an adverse impact, on the theory that the guidelines predate the 1991 Civil Rights Act amendments (RIN 3046-AB43).

  - EEOC also plans to rescind its 1980 national origin discrimination guidelines, including their presumption that English-only workplace rules can violate Title VII, on the theory that the guidelines' impact presumption conflicts with the 1991 Civil Rights Act's requirement that plaintiffs bear the burden of proving disparate impact (RIN 3046-AB40).

  - In April, the Consumer Financial Protection Bureau (CFPB) finalized a rule amending Regulation B to remove disparate impact liability under ECOA (RIN 3170-AB54).

    - A coalition of housing and lending advocates have challenged the rule, arguing that it unlawfully dismantles the ECOA's core protection against lending discrimination and departs from fifty years of settled interpretation without adequate justification.

Dismantling the evidence base for proving discrimination

- Many agencies plan to rescind or narrow the data collection requirements that enable both agencies and members of the public to identify and therefore enforce antidiscrimination provisions.
- The EEOC has proposed rescinding EEO-1 through EEO-5 reporting under Title VII, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), and the Pregnant Workers Fairness Act (PWFA) (RIN 3046-AB37).
- HUD plans to rescind its data collection requirements (RIN 2529-AB11).
- Actions already completed/underway:
  - CFPB finalized a rule in May 2026 that rewrites its small business lending data collection under ECOA.
  - The U.S. Department of Agriculture (USDA) plans to finalize a rule (RIN 0584-AF19) to rescind civil rights data collection requirements for the Supplemental Nutrition Assistance Program (SNAP) program, which was proposed for comment in May 2025.
  - In March 2026, the Office of the Comptroller of the Currency (OCC) rescinded its Fair Housing Home Loan Data System regulation, which governed what data national banks retain on home loan applications.

Undermining enforcement and investigation procedures

- ED plans to amend its rule on Title VI investigation procedures, changing how it approaches evaluation, dismissal, investigation, and administrative enforcement of Title VI, Title IX, and Section 504 complaints (RIN 1870-AA21).
- HUD plans to revise its procedures for investigation and processing of fair housing complaints (RIN 2529-AB16).
- Three HUD rules together restructure who does the enforcing: substantial-equivalency certification and performance standards for state and local Fair Housing Assistance Program (FHAP) agencies; Fair Housing Initiatives Program (FHIP) qualification requirements and the scope of testing under the private enforcement initiative; and new limitations on criminal background checks for testers. HUD controls the grants, the tester pool, and the certification of state partners simultaneously.
- DOL recently rescinded 29 CFR part 42, the framework for coordinating enforcement among multiple parts of DOL — the Wage and Hour division, Occupational Safety and Health Administration (OSHA), and Employment & Training Administration (ETA) — for migrant farmworkers. The new rule, which appears under three separate RINs, will take effect on September 30, 2026 (RIN 1205-AC27, RIN 1218-AD53, RIN 1235-AA50).

- SBA plans a series of rules that appear to remake its nondiscrimination complaint and enforcement framework across all programs it administers (RIN 3245-AI38, RIN 3245-AI41, RIN 3245-AI39, RIN 3245-AI40, RIN 3245-AI43).
- USDA's Rural Development authority plans to issue new civil rights compliance requirements (RIN 0575-AD19).

Narrowing protections for disability rights

- DOJ is planning to use the Regulatory Flexibility Act's Section 610 process — a mandatory once-a-decade review of rules with a significant impact on small entities — to reopen core regulations under the ADA: Title II, covering state and local governments (RIN 1190-AA80), and Title III, covering public accommodations and commercial facilities (RIN 1190-AA81).
- DOJ has delayed implementation of web accessibility requirements for state and local governments, and indicated that it plans to open a new rulemaking to reconsider provisions of the 2024 rule (RIN 1190-AA82).
    - The National Federation of the Blind has sued to challenge that delay, arguing the Trump-Vance administration violated the Administrative Procedure Act by pausing implementation without required notice-and-comment procedures and without adequately considering the significant harms to people with disabilities.
- HHS similarly paused implementation of web accessibility requirements for federal funding recipients, and indicated it plans to reconsider the 2024 rule (RIN 0945-AA30).
- HHS issued a proposal to "clarify existing statutory limitations on the definition of disability as it applies to gender identity disorders and/or gender dysphoria." HHS's own agenda entry concedes that this proposal conflicts with the only federal appellate ruling on point, *Williams v. Kincaid,* 45 F.4th 759 (4th Cir. 2022), and cites pending litigation (*Texas v. Becerra; Rapides Parish Sch. Bd. v. HHS)* as part of the justification for acting (RIN 0945-AA27). The agenda lists September 2026 as the target date for the final rule.
- Three agencies are revising their own Section 504 "conducted programs" regulations (governing each agency's own operations, not its grantees): U.S. Department of the Treasury (RIN 1505-AC56), U.S. Department of State (State) (RIN 1400-AF95), and the U.S. Access Board (RIN 3014-AA52) — an independent agency dedicated to promoting equality for people with disabilities through leadership in accessible design.
- DOL recently finalized changes to its Section 503 regulations on disability affirmative action obligations for federal contractors. The final rule, which goes into effect on September 21, 2026, removes the utilization goal, related data collection and analysis requirements, disability self-identification requirements, and strips cross-references to the EO 11246 authority revoked by EO 14173 (RIN 1250-AA18).

Curtailing educational equity and undermining student protections

- Following its July 2026 rule eliminating disparate impact liability from its Title VI regulations, ED plans further amendments to its Title VI regulations. ED is planning a forthcoming rule to "provide clarification on how Title VI's prohibition of discrimination on the basis of race, color, and national origin protects all individuals from discrimination," and to clarify how those protections apply to "diversity, equity, and inclusion programs and how they apply to race-based, race-exclusive, or race-conscious educational programs or criteria." The agenda indicates that this rulemaking is in the final rule stage, suggesting there will be no opportunity for notice and comment (RIN 1870-AA24).

- ED plans to finalize its proposal to rescind regulations governing Equity Assistance Centers, regional centers that provide technical assistance to school districts on desegregation and civil rights compliance. Notably, though the proposed rule claims that the 2016 regulations improperly narrowed the program into a regional grant structure, the corresponding Unified Agenda entry (RIN 1810-AB72) argues that the current regulations "far exceed the statutory language for the program." The centers trace back to Title IV of the Civil Rights Act of 1964, and they are the main federal source of desegregation technical assistance available to districts.

- ED is also planning to amend its regulations governing equity in the Individuals with Disabilities Education Act (IDEA) (RIN 1820-AB84), the 2016 regulations that established a standard methodology for how states identify significant disproportionality in special education — the rates at which students of a given race or ethnicity are identified for special education, placed in restrictive settings, or disciplined. Amending the methodology changes which districts are flagged and therefore which are required to redirect funds toward early intervention services.

- ED also plans to deregulate Charter School Programs (RIN 1810-AB71); rewrite Family Educational Rights and Privacy Act (FERPA) regulations (RIN 1875-AA15); and amend its Protection of Pupil Rights Amendment (PPRA) rule expanding parental notice/opt-out rights over school data collection (RIN 1875-AA13).

Rolling back fair housing protections

HUD plans a suite of rules to narrow the scope of protections under the Fair Housing Act:

- These include a rule titled "Combating Discriminatory Housing Practices that perpetuate illegal segregation" (RIN 2529-AB17) and a rule titled, "Clarifications of specific Fair Housing Act requirements concerning discrimination in Residential Real Estate-Related Transactions"(RIN 2529-AB19), which will set "the proper scope for redlining and appraisal-bias enforcement activities."

- HUD plans to issue a final rule on Affirmatively Furthering Fair Housing (AFFH) (RIN 2529-AB08). This regulation was first issued as an interim final rule in March 2025, and effectively gutted HUD's fair housing planning requirements. The agenda entry states that program participants will not be subject to HUD challenge of an AFFH certification until further rulemaking by HUD, suggesting that additional rulemaking on the AFFH requirement is planned.

- A companion rule rescinding the Affirmative Fair Housing Marketing regulations — the requirement that Federal Housing Administration (FHA)-insured and multifamily housing rental-assistance participants file a marketing plan describing how they will affirmatively market to underserved groups — was proposed for comment in June 2025. A final action is expected in September 2026 (RIN 2501-AE13).

- HUD is also planning a direct final rule to rescind its "Nondiscrimination and Equal Opportunity in Housing" regulation, on the theory it predates and duplicates the Fair Housing Act itself (RIN 2529-AB12).

- The U.S. Federal Housing Finance Agency (FHFA) has proposed to rescind and replace its Duty to Serve Underserved Markets rule — which pushes Fannie Mae and Freddie Mac to serve manufactured housing, affordable housing preservation, and rural markets — with a version giving the enterprises more discretion and "less administrative burden" (RIN 2590-AB64).

- The National Credit Union Administration (NCUA) issued a proposal in January to eliminate its nondiscrimination-in-lending rule for federal credit unions.

Rewriting the regulatory definition of sex

EO 14168, "Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government," is being implemented across a dozen separate regulatory schemes:

- ED plans to amend its Title IX regulations to "clarify" that Title IX implementation is to be based on sex, "which shall refer exclusively to an individual's immutable biological classification as either male or female" (RIN 1870-AA23).

- HUD is amending its Equal Access regulations, which prohibit discrimination based on sexual orientation and gender identity across HUD's housing programs and govern placement in single-sex shelters and other sex-specific facilities. The proposed rule would remove references to gender identity and sexual orientation from more than two dozen parts of HUD's regulations, and allow HUD grant recipients and program providers to "require reasonable assurances and evidence to confirm the sex of an individual seeking service" in shared-sleeping quarters or shared-bathroom facilities. A final rule is expected in November 2026 (RIN 2501-AE12).

- HHS's Office of Refugee Resettlement (ORR) plans to issue a rule on "Unaccompanied Alien Children Bureau Standards to Protect Children from Gender Ideology," revising its regulations to enshrine EO 14168 and EO 14187 (the executive orders restricting gender-affirming care for minors) for children in ORR custody (RIN 0970-AD35).
- The U.S. Department of Defense has already issued an interim final rule, effective December 1, 2025, removing the ability of retirees, dependents, and contractor employees to change their "gender marker" in the military's Defense Enrollment Eligibility Reporting System (DEERS), and replacing "gender" with "sex" throughout the ID-card regulation. The agenda indicates that a final action was expected in July 2026, though the agency did not meet that deadline (RIN 0790-AL85).
- The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has proposed a rule requirement that anyone completing a firearms or explosives transaction form select their "biological sex" under the sex question, rather than any other self-identified marker (RIN 1140-AA64).
- USDA is amending its conducted-programs nondiscrimination rule to remove gender identity as a protected basis and swap "gender" for "sex" throughout (RIN 0503-AA84).

Support for religious exemptions and faith-based access

- Eight agencies plan "Equal Participation of Faith-Based Organization" rules, implementing EO 14205, "Establishment of the White House Faith Office."
    - The nearly identical abstracts for planned rules across eight agencies state that they align with the agency's goal of implementing its programs and activities consistent with the First Amendment to the Constitution and the requirements of federal law, including the Religious Freedom Restoration Act.
    - These are: DOJ (RIN 1105-AB83); DHS (RIN 1601-AB24), DOL (RIN 1290-AA53), State (RIN 1400-AG27), VA (RIN 2900-AS99), USDA (RIN 0503-AA90) HHS (RIN 0991-AC44), and ED (RIN 1801-AA32).
    - The Unified Agenda entries each list November 2026 as the timetable for publication.
- DOL also plans to issue a direct final rule titled "Modifications to the Regulations with Respect to Religious Liberty"— revising its regulations to align with *Carson v. Makin* (2022), *Espinoza v. Montana Dep't of Revenue* (2020), and *Trinity Lutheran Church v. Comer* (2017), and to amend the "undue burden" standard applied to religious accommodation requests under DOL programs (RIN 1291-AA52).

- HHS also plans to amend its 2024 conscience rule to "clarify how OCR [Office for Civil Rights] addresses" the Church, Coats-Snowe, and Weldon Amendments, per EO 14202 and EO 14188 (RIN 0945-AA24).

2. **Other Key Themes**

Restricting benefits eligibility through focus on "program integrity" and immigration status verification

Framed as fraud prevention and administrative efficiency, agencies across government are planning regulatory changes that function as eligibility restrictions layered across nearly every benefit program at once:

- The U.S. Social Security Administration (SSA) plans a rule titled "Combatting Fraud and Similar Fault to Strengthen the Integrity of Social Security," which would establish a uniform framework for redetermining Title II and Supplemental Security Income eligibility whenever SSA has "reason to believe" fraud or similar fault was involved in the original application — explicitly targeting the disability determination process, and framed around improving SSA's "Federal court success in redetermination cases" (RIN 0960-AI10).

- The Centers for Medicare & Medicaid Services' (CMS') "Strengthening the Integrity of Medicaid and CHIP [Children's Health Insurance Program] Managed Care, Financing, and Access to Care" would rescind or revise parts of two 2024 Biden-era final rules to add new grounds for states to terminate "bad actor" provider enrollments, expand state on-site inspection authority, and implement the One Big Beautiful Bill Act (Pub. L. 119-21) provisions (RIN 0938-AV70).

- HHS plans to require Temporary Assistance for Needy Families (TANF) agencies to submit additional data elements with their quarterly reporting to verify the citizenship or qualified-alien status of TANF recipients (RIN 0970-AD31).

- USDA plans a rule to strengthen SNAP retailer penalties — implementing 2008 and 2018 Farm Bill provisions to allow financial penalties alongside disqualification periods and to address gaps like retailers who do not report ownership changes, conspire on unauthorized redemptions, or violate SNAP equal treatment provisions (RIN 0584-AE71).

- USDA is implementing new statutory SNAP alien eligibility restrictions from the reconciliation bill (Pub. L. 119-21, § 10108), narrowing which non-citizens qualify for food assistance (RIN 0584-AF23).

- USDA is also planning changes to the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) vendor integrity requirements — tightening state vendor selection criteria and investigation techniques, and strengthening vendor investigation, violation, and sanction rules (RIN 0584-AF26).

- The U.S. Department of Homeland Security (DHS) recently finalized a rule rescinding the 2022 public charge rule, which had narrowed when U.S. Citizenship and Immigration Services (USCIS) can deny a visa or adjustment of status on the theory that someone is likely to become dependent on government support. The rescission takes effect September 18, 2026 (RIN 1615-AD06).

- DHS is separately building new regulations under EO 14218 ("Ending Taxpayer Subsidization of Open Borders") to codify a "legal framework" for immigration-status verification across federal public benefit programs generally, implementing the Personal Responsibility and Work Opportunity Reconciliation Act of 1996's (PRWORA's) qualified alien restrictions (RIN 1615-AD12).

- DHS is also proposing new "educational standards" for naturalization — a defined framework for the English and civics requirements, explicitly framed as promoting "a unified American identity and attachment to the Constitution" — plus new flexibility to let USCIS use third-party test administrators (RIN 1615-AD13).

- HUD is planning to finalize a proposal to require verification of citizenship/eligible immigration status for recipients under Section 214 of the 1980 Housing Act, and to make *prorated* assistance a "temporary condition pending verification," which functions as a benefit cut for mixed-status households while status is being confirmed. A final rule is expected in November 2026 (RIN 2501-AE16).

- SSA is expanding when it can share social security number verification data with other federal agencies under the Privacy Act's "routine use"/"compatible purposes" exception (20 CFR 401.150(c)), citing EO 14243. This would let SSA verify identity for programs well beyond benefits administration — SBA loans, federal grant/contract payment verification, shared identity services like login.gov, and educational programs. An NPRM is expected in October 2026 (RIN 0960-AJ02).

Overhauling immigration adjudication

DOJ's Executive Office for Immigration Review (EOIR) and DHS's USCIS are reshaping the procedural rules governing asylum, credible fear screening, and immigration court and appellate review — largely through interim final rules that bypass standard notice-and-comment:

- DHS is reconsidering its 2022 interim final rule establishing timelines for asylum officers (rather than immigration judges) to adjudicate certain protection claims for aliens in expedited removal, and the process for referring denied applicants to streamlined removal proceedings before the EOIR; the agencies "intend to consider" rescinding that framework (RIN 1615-AC67).

- DOJ plans to finalize a December 2024 interim final rule requiring that immigration judges' de novo review of credible and reasonable fear determinations must include review of any bars to asylum or withholding of removal applied by DHS asylum officers (RIN 1125-AB33).

- DOJ plans to issue an interim final rule reforming when immigration judges may administratively close or terminate removal proceedings, a tool historically used to pause low-priority cases (RIN 1125-AB35).

- DOJ already cut the Board of Immigration Appeals (BIA) down to 15 appellate immigration judges by interim final rule in April 2025. The agenda indicates that the date of a final rule is still to be determined (RIN 1125-AB34).

- The date of a final rule is also still to be determined regarding BIA review. DOJ attempted to amend BIA summary dismissal procedures through an interim final rule issued February 6, 2026, but key portions of the rule were blocked in litigation (RIN 1125-AB37).

- DOJ plans to finalize a 2023 interim final rule expanding review of the Office of the Chief Administrative Hearing Officer's decisions in employment-related immigration discrimination cases under INA §274B, including the possibility of Attorney General review (RIN 1125-AB28).

- DOJ is also developing a long-pending rule to require DHS background and security checks to be completed before immigration judges, and the BIA may adjudicate certain applications for relief (RIN 1125-AA44).

- DHS plans to finalize a proposal to expand biometrics collection and use across the immigration and naturalization process "to ensure accurate identity verification and management throughout the entirety of the immigration lifecycle." A final rule is expected in December 2026 (RIN 1615-AC99).

- DHS also plans to overhaul the H-1B program, narrowing cap-exemption eligibility, increasing scrutiny of employers with past violations, and expanding oversight of third-party placements (RIN 1615-AD00).

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We hope this resource is valuable as partners work to challenge many of the unlawful and harmful rulemakings identified above. We plan to discuss and coordinate on comments to and pushback on many of these rulemakings through Democracy 2025 — please reach out to democracy2025@democracyforward.org if there is anything we can do to support your work on these issues.