



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

June 9, 2020

M-20-25

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Russell T. Vought  
Acting Director

A handwritten signature in blue ink, appearing to read "RV", written over the printed name of Russell T. Vought.

SUBJECT: Implementation of Executive Order 13924

On May 19, the President signed an Executive Order calling for a whole-of-government effort to jumpstart the economic recovery through deregulation. The Order directs me, in consultation with the Assistant to the President for Domestic Policy and the Assistant to the President for Economic Policy, to monitor compliance and issue guidance as needed for implementation of the Order.

The Order directs agencies to “identify regulatory standards that may inhibit economic recovery” and to take appropriate action such as rescission or suspension, including by use of good cause or emergency authorities where appropriate. The Order likewise calls on agencies to assess the various temporary deregulatory actions they have taken to fight COVID-19 and its impact on our economy to determine which should be made permanent. The Order directs agencies to help businesses and other entities comply with the law through prompt issuance of pre-enforcement rulings and to formulate policies of enforcement discretion that recognize such entities’ efforts to comply with the law. And finally, the Order calls on agencies to review their enforcement and adjudicative processes to ensure they comply with the principles of due process and fundamental fairness included in the EO.<sup>1</sup>

Pursuant to Section 8 of the Order, and after consulting with the Assistants to the President for Domestic Policy and Economic Policy, I am requesting that agencies supply to OMB the following categories of information within 14 days, using the templates attached to this memorandum.

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<sup>1</sup> OMB, in consultation with the Assistant to the President for Domestic Policy and the Assistant to the President for Economic Policy, will coordinate with agencies separately with regard to Section 6’s review of administrative enforcement and adjudicative procedures.

1. Final rules, waivers, or other regulatory actions that the agency intends to issue in the next six months to promote economic recovery.<sup>2</sup> Please include both temporary and permanent regulatory actions. Actions need not be limited to those that have already been included in the Unified Agenda. Please include a brief description of why each proposed action will promote economic recovery; the projected timeline for issuance; any good cause, exigent circumstance, or emergency authorities the agency intends to invoke for issuance; and any other important information, including especially any information relevant to the policy considerations outlined in Section 1 of the Order.<sup>3</sup>

2. A list of temporary regulatory actions the agency has taken in response to COVID-19, along with analysis of whether each such action is suitable for issuance as a permanent measure to promote economic recovery. For each action suitable for issuance as a permanent measure, please also include a brief description of why each proposed action will promote economic recovery going forward; the projected timeline for issuance of a permanent regulatory action; any good cause, exigent circumstance, or emergency authorities the agency intends to invoke for issuance; and any other important and pertinent information.

3. A plan for expeditious issuance of pre-enforcement rulings to entities requesting them under Section 5(a) of the Order. Please include in the plan the expected amount of time within which the agency intends to respond to a request for a pre-enforcement ruling, as well as the office(s) within the agency that will be responsible for issuance of the ruling. Some agencies may wish to assign responsibility to their Office of General Counsel.

4. A draft enforcement policy as described in Section 5(b) and (c) of the Order. The draft enforcement policy should, e.g., recognize per Section 5(c) that a reasonable attempt to comply with the agency's own guidance related to COVID-19, or with such guidance by another agency, constitutes "a rationale for declining enforcement."

I look forward to working with you as we carry out the President's recent Order to revitalize the American economy.

Attachments

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<sup>2</sup> "Regulatory action" as used herein refers to any action that creates a "regulatory standard" as defined in subsection 2(f) of the Order.

<sup>3</sup> These considerations are consistency "with applicable law and with protection of the public health and safety, with national and homeland security, and with budgetary priorities and operational feasibility."





[Agency]

Plan for Issuance of Pre-enforcement Rulings

*Please provide a plan for expeditious issuance of pre-enforcement rulings to entities requesting them under Section 5(a) of the Order. Please include in the plan the expected amount of time within which the agency intends to respond to a request for a pre-enforcement ruling, as well as the office(s) within the agency that will be responsible for issuance of the ruling. Some agencies may wish to assign responsibility to their Office of General Counsel.*

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[Agency]

Draft Enforcement Policy

*Please provide a draft enforcement policy as described in Section 5(b) and (c) of the Order. The draft enforcement policy should, e.g., recognize per Section 5(c) that a reasonable attempt to comply with the agency's own guidance related to COVID-19, or with such guidance by another agency, constitutes "a rationale for declining enforcement."*