



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

April 26, 2021

M-21-24

MEMORANDUM FOR THE HEADS OF DEPARTMENTS AND AGENCIES

FROM: Shalanda D. Young
Acting Director

A handwritten signature in black ink that reads "Shalanda D. Young".

SUBJECT: Promoting Public Trust in the Federal Government and Effective Policy Implementation through Interagency Review and Coordination of the American Rescue Plan Act

In order for the Federal Government to effectively respond to the public health and economic crisis the Nation faces as a result of the COVID-19 Public Health Emergency (COVID-19 PHE), the American Rescue Plan (ARP) Act of 2021 (Pub. L. No. 117-2) requires departments and agencies (agencies) to quickly issue or revise many regulations and guidance on an expedited basis. Effective review and interagency coordination are key to ensuring the unprecedented Government-wide response is effective in meeting the needs of the American public. To that end, this memorandum summarizes expedited review procedures coordinated by the Office of Management and Budget's (OMB's) Office of Information and Regulatory Affairs (OIRA) under Executive Order (EO) 12866,¹ as well as the important goals the Administration has established in the ARP regulatory review process.

Expedited Review Procedures

Over the course of the COVID-19 PHE, OIRA has developed and implemented expedited review procedures, and we intend to execute similar procedures for ARP implementation. First, as with COVID-19-related items, OIRA will consider all ARP-related guidance and regulations as presumptively significant under EO 12866, but we will work with agencies on review schedules and emergency waivers of EO 12866 as needed and justified. OIRA will also continue to work with the agencies to facilitate quick, informal circulation of items not typically subject to such review. Casting a broader net than our typical reviews is intended as a mechanism to facilitate coordination across agencies—a must with so many interacting authorities and areas of expertise central to the Federal Government's response efforts.

In addition, we remind agencies that any information collections subject to the Paperwork Reduction Act (PRA) must undergo OMB review prior to use. The PRA also contains emergency procedures that have been widely used by agencies during the COVID-19 PHE. Those emergency PRA waivers must be approved by OIRA.

¹ 58 Fed. Reg. 51,735 (Oct. 4, 1993).

For the review of key priority regulatory and policy documents associated with timely and effective ARP implementation, agencies should generally plan on the following: 1) for packages on par with similarly situated COVID-19 PHE reviews in terms of imminent need, length, and complexity, at least **one week** (five business days) for OIRA review; 2) for packages on par with more typical legislative rules or guidance (e.g., length, complexity, broader interagency or budgetary equities) and that are urgent but not imminent in need, at least **3 weeks** (15 business days) for OIRA review. OIRA may consider exceptions to these minimum timelines, but if an agency needs a faster review, a sufficiently senior agency policy official must give OIRA advance notice and a rationale, including whether there is any pending statutory deadline.

Second, given the need to balance the urgency and demand for quick-turn reviews with the fact that many agencies may face constraints as both drafters and reviewers, we continue to request that agencies provide OIRA with an alert by **noon on Fridays** for any item that might require weekend circulation, along with a substantive rationale for why the action cannot wait until the following Monday. We are also endeavoring to keep comment deadlines and passbacks to Monday through Friday during business hours when possible. Doing so ensures that interagency offices and programs with equities in a given document, including agencies reviewing other agency policies, have the opportunity to see the circulation and respond. We acknowledge, however, that is not always possible, and therefore appreciate assistance in ensuring OIRA has up-to-date circulation contacts who are willing and able to engage outside of business hours when truly needed.

Finally, we want to emphasize that coordination within your agencies for these fast-moving policy documents is essential. As such, we request that no documents should be put into OIRA-led interagency review without sign-off from a political appointee that agency review has concluded, and the subsequent regulatory action, guidance, or policy document represents the official views of the agency. Also, these expedited review procedures should not replace proactive engagement by agencies with OMB. Agencies should continue to engage proactively with OMB on important issues before the OIRA review process begins.

American Rescue Plan Regulatory Implementation Plans

OMB requests that agencies develop ARP Regulatory Implementation Plans for submission to OMB, in order to help with orderly planning and review. In order to avoid duplication with other OMB requests, we have developed two methods for submission of these plans; however, in either case, your plans should include, at a minimum, the following pieces of information:

- Description of the item—e.g., regulation (include RIN, if available), guidance, ICR
- Statutory deadline or other time constraints
- Preferred date of issuance
- Date proposed to be submitted to OIRA

Submission for new ARP programs: In accordance with Memorandum [M-21-20](#), OMB has established and provided to agencies a template, *2 CFR Implementation Plan*

for New Programs Authorized by the American Rescue Plan. Agencies must submit their proposed implementation plan of 2 CFR to OMB for approval before submitting assistance listings for **new programs authorized and appropriated by the ARP**, by emailing such plans to ARP.implementation@omb.eop.gov. In that template, OMB requests that agencies also share with OMB their ARP Regulatory Implementation Plans.

Submission of ARP actions associated with existing programs: In addition, we understand that agencies will also need to take regulatory, guidance, and information collection actions associated with existing programs. Therefore, OMB also requests that agencies share ARP Regulatory Implementation Plans for **all other ARP programs** by email to ARPregPlan@omb.eop.gov by May 10, 2021 a listing of all forthcoming ARP implementation actions and the information listed above.

Guidelines for OIRA Review

Finally, because many documents will need to move quickly through formal EO 12866 review, early coordination is essential to policy development. OMB will reach out to your agencies, as needed, to request briefings, discussions, and other methods to discuss and understand the policy choices the agencies are pursuing.

Among those goals, in both interagency reviews and during our outreach, OIRA intends to follow the principles established in the Presidential Memorandum [*Modernizing Regulatory Review*](#), which reaffirms the basic principles of EOs 12866 and 13563.² It also directs OIRA to take steps to modernize review to ensure swift and effective Federal Action that re-emphasizes the direction of EO 12866 that agencies endeavor to take account of quantitative and qualitative impacts in service of broad social impacts, specifically including values such as public health and safety, economic growth, social welfare, racial justice, environmental stewardship, human dignity, equity, and the interests of future generations.

In particular, OIRA will ask during review whether agencies have fully considered equity impacts in making implementation choices, in support of the requirements outlined in [*Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*](#),³ and in particular questions of how to reduce burdens and expand access to underserved communities in implementing the relief and recovery provisions of the statute. We will also emphasize evidence-based decision making, respectively building on the long-established principles contained in the [*Memorandum on Restoring Trust in Government through Scientific Integrity and Evidence-Based Policymaking*](#).

We are grateful for the hard work of the interagency community in responding to the COVID-19 PHE and related economic recovery needs, and executing the priorities of the Administration. As always, OMB staff are prepared to assist you in the implementation of this Memorandum and help advance the objectives of the American Rescue Plan, the Administration's priorities, and address urgent public needs.

² 76 Fed. Reg. 3821 (Jan. 21, 2011).

³ 86 Fed. Reg. 7009 (Jan. 25, 2021).