

The Department of Defense Regulatory Reform Task Force May 24, 2017 Progress Report and Recommendations

Progress Report

On February 24, 2017, President Trump issued Executive Order (EO) 13777, “Enforcing the Regulatory Reform Agenda,” to implement regulatory reform initiatives across the federal government and to direct the creation of a Regulatory Reform Task Force within each agency. On April 20, 2017, Deputy Secretary Work signed a memorandum establishing the Department of Defense (DoD) Regulatory Reform Task Force (Task Force) under the Deputy Chief Management Officer (DCMO), who is DoD’s Regulatory Policy Officer, and designating the Director of Oversight and Compliance, in the Office of the DCMO, as the DoD Regulatory Reform Officer (RRO), in accordance with EO 13777. EO 13777 also requires an initial progress report of the agency’s Task Force to the head of the agency detailing the agency’s progress toward the goals of improving implementation of regulatory reform initiatives and identifying regulations for repeal, replacement, or modification. The Task Force’s progress towards these goals is described below.

After the establishment of the DoD Task Force, the Task Force conducted a data call to DoD Components to provide an assessment of the regulations under their purview to determine if such regulations should be repealed, replaced, or modified to alleviate unnecessary regulatory cost and burden. Three subgroups under the Task Force have been established to aid in the review of the provisions of the Defense Federal Acquisition Regulation Supplement (DFARS), the regulations of the Army Corps of Engineers, and the amendments to the Defense Health Agency TRICARE regulation.

The Task Force will review the DoD components’ assessments of all 716 existing, codified DoD regulations, which include review of 350 DFARS provisions. At the outset, the Task Force has scheduled reviews of regulations by topic in order to evaluate regulations for consolidation and to eliminate unnecessary, outdated, or ineffective regulations, which is a priority set forth in EO 13777. The Task Force’s first set of recommendations below reflect the efforts thus far towards this priority goal.

The DoD Task Force convened its first meeting on April 27, 2017, and will continue to meet on a biweekly basis to review all DoD regulations codified in the Code of Federal Regulations for repeal, replacement, or modification by the end of 2018.

Recommendations of the Task Force

To date, the Task Force has reviewed 36 DoD regulations, including 15 Freedom of Information Act (FOIA) regulations and 21 Privacy Act regulations. The Task Force recommends that the:

- Recently revised DoD-level FOIA regulation, which will be codified at 32 CFR part 286 and is intended to be a general, department wide regulation, should be retained, and the 13 existing component FOIA regulations, as well as a second DoD-level

regulation, which has been rendered unnecessary by the revision, should be cancelled. It is estimated that this consolidation to a single FOIA regulation will save the public \$384,080 annually.

- DoD-level Privacy Act regulation, which is codified at 32 CFR part 310, should be revised in similar fashion to the FOIA regulation and incorporate the existing 20 component Privacy Act regulations. Thereafter, the component Privacy Act regulations should be cancelled. It is estimated that this proposed consolidation will save the public \$161,216 annually.

Below is an accounting of the Department’s recent proposed and completed regulatory actions and related cost estimates based on “performance indicators” set forth in the Office of Management and Budget Memorandum (OMB) M-17-23, “Guidance on Regulatory Reform Accountability under Executive Order 13777, titled ‘Enforcing the Regulatory Reform Agenda.’” DoD will provide goals and metrics for the performance indicators to OMB in accordance with its guidance in Fiscal Year 2018.

Regulatory Actions and Cost Estimates	
Task Force Recommended Deregulatory Actions	34
Task Force Recommended Modify/Amend Actions	0
Task Force Recommended Replace (Consolidate)/Revise Actions	1
Task Force Recommended Retain Actions	1
Deregulatory Actions Issued After 20 January 2017	0
Significant Regulatory Actions Issued After 20 January 2017	0
Deregulatory Actions Issued that included public input/peer review	0
Total Incremental Cost of New Significant Regulatory Actions	Estimated \$ TBD
Total Incremental Cost of Proposed Deregulatory Actions	Estimated \$545,296.00