

Reduce Regulatory Burden

Goal Leader(s):

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National Defense

Overview

Goal Statement

Reduce Regulatory Burden by eliminating unnecessary Federal Rules (E.O. 13771) by September 30, 2019. The DoD Regulatory Reform Task Force is evaluating 716 existing, codified DoD regulations and making recommendations to the Secretary of Defense regarding their repeal, replacement, or modification, consistent with applicable law. DoD will reduce its existing regulations by 25 percent.

Challenge

- Reducing regulatory burden and costs on the American people through effective implementation of regulatory reform principles across DoD.
- Some regulations may require a change in legislation or interagency coordination before they can be modified or repealed.

Opportunity

- Support Secretary's 1st LOE by prioritizing the issuance of rules that support the DoD's highest priorities.
- Support Secretary's 3rd LOE by creating internal efficiencies by ensuring legitimacy and currency of its regulations; codifying business process improvements; reducing litigation risks and its costs; reducing internal manpower needed to maintain and issue regulations; reducing internal conflict and confusion of applicability of regulations by consolidating rules.

Goal Structure & Strategies

To effect regulatory reform, the DoD Regulatory Reform Task Force was established under the Chief Management Office (CMO) to evaluate the DoD components' assessments of all 716 existing, codified DoD regulations. The Task Force also established three subgroups to aid in the review of the provisions of the Defense Federal Acquisition Regulation Supplement (DFARS), Army Corps of Engineers regulations, and the amendments to the Defense Health Agency TRICARE regulation. The subgroups provide initial recommendations to the Task Force, and the Task Force provides final recommendations to the Secretary of Defense on a quarterly basis for approval.

The DoD Task Force first convened in April 2017, and continues to meet on a bi-weekly basis to review scheduled DoD regulations, and makes recommendations to the Secretary of Defense regarding their repeal, replacement, or modification. Once there is a determination on the recommendations, the DoD Components implement the regulatory or deregulatory actions that can be executed within existing authorities, and coordinate with the Office of Information and Regulatory Affairs and Congress when necessary. The Task force anticipates that it will complete its work by December 31, 2018; however, the term of the Task Force may be extended at the discretion of the Chair. Although review of existing regulations is expected to terminate by end of 2018, implementation of the Task Force recommendations and sustainment of the regulatory reform efforts will extend years beyond 2018.

Summary of Progress – FY 2018 Q2

The following DoD Regulatory Reform Task Force recommendations have been approved:

- On 5 Jun 2017, the Secretary of Defense approved 34 regulations for repeal, 1 for replacement, and 1 for retention.
- On 6 Oct 2017, the Deputy Secretary of Defense approved 54 regulations for repeal, 9 for replacement, 5 for modification, and 13 for retention.
- On 12 Jan 2018, the Deputy Secretary of Defense approved 35 regulations for repeal, 9 for replacement, 12 for modification, and 39 for retention.
- On 29 May 2018, the Deputy Secretary of Defense approved 44 regulations for repeal, 8 for replacement, 3 for modification, and 65 for retention.

Key Milestones

- By 31 Dec 2018, evaluate 716 existing, codified DoD regulations and make recommendations to the Secretary of Defense regarding their repeal, replacement, or modification, consistent with applicable law. DoD will reduce its existing regulations by 25 percent.
 - On 29 May 2018, the Deputy Secretary of Defense approved 44 regulations for repeal, 8 for replacement, 3 for modification, and 65 for retention.

Milestone Summary					
Key Milestone	Milestone Due Date	Milestone Status	Change from last quarter	Owner	Comments
Complete review of 62 regulations	Q3 FY17	Complete		Joo Chung	
Complete review of 139 regulations	Q4 FY17	Complete	77 reg reviews	Joo Chung	
Complete review of 240 regulations	O1 FY18	Complete	101 reg reviews	Joo Chung	
Complete review of 327 regulations	Q2 FY18	Complete	87 reg reviews	Joo Chung	4 regulations deferred for further review
Complete review of 472 regulations	Q3 FY18				
Complete review of 582 regulations	O4 FY18				
Complete review of 716 regulations	Q1 FY19				

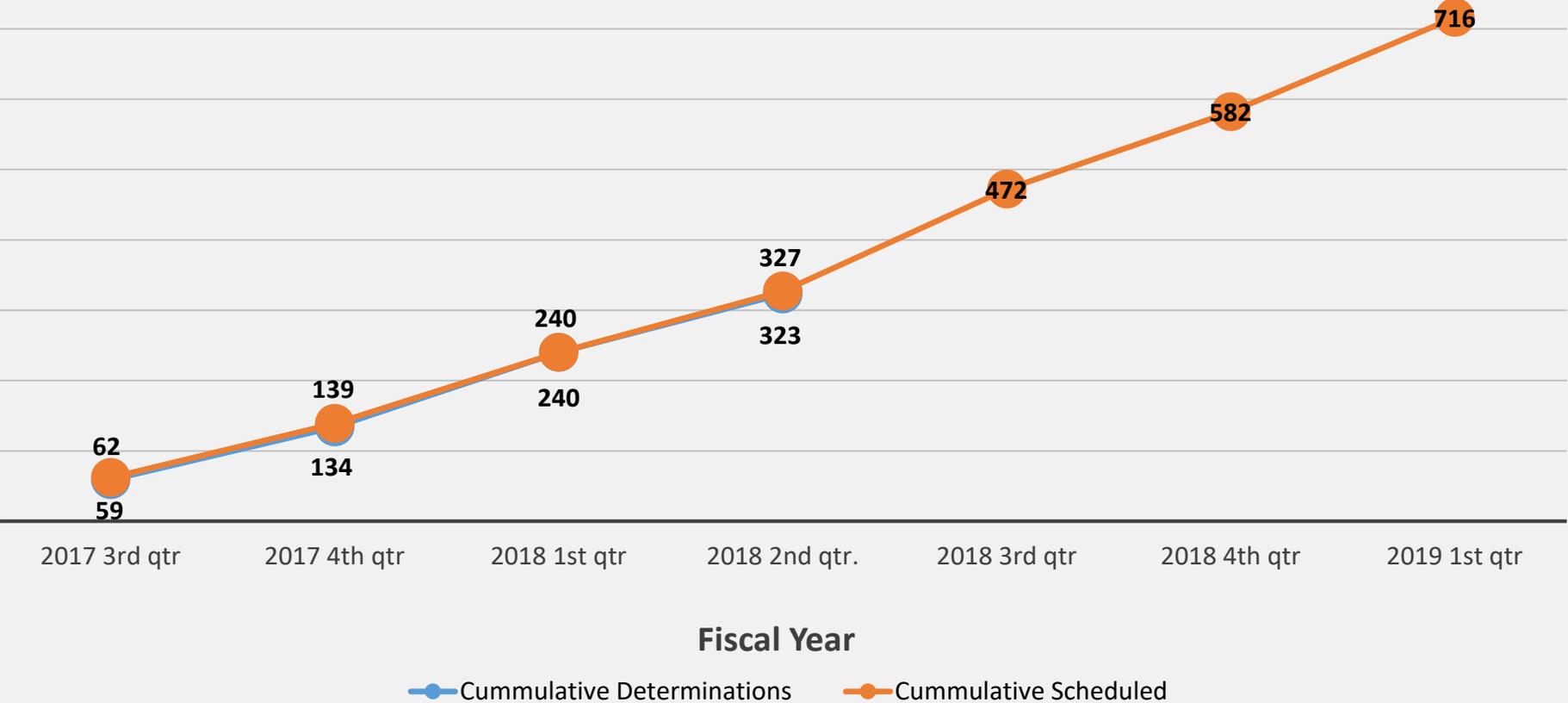
Key Milestones

APG 3.1.6: Reduce Regulatory Burden by eliminating unnecessary Federal Rules (E.O. 13771)

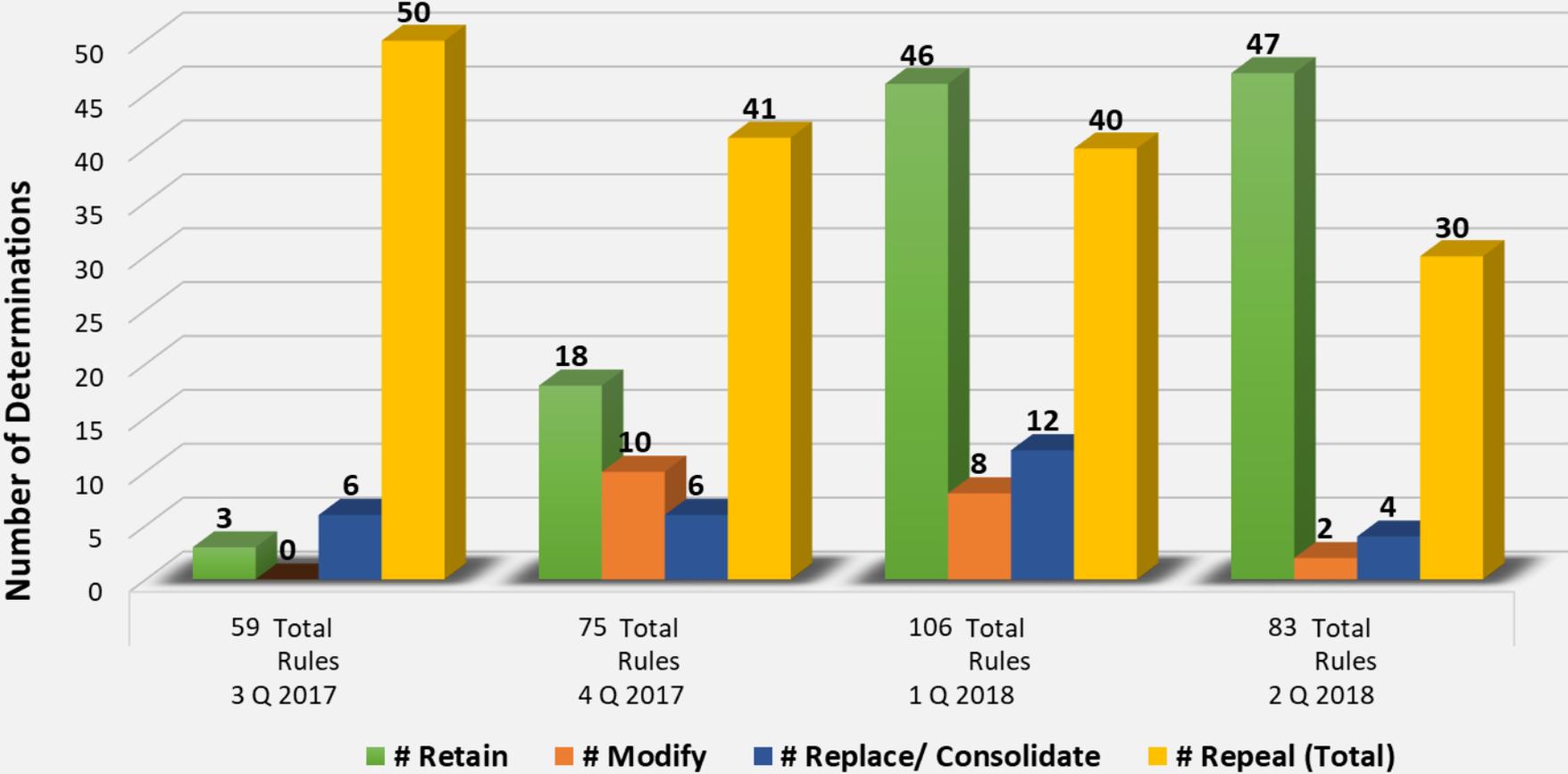
Performance Measures (PM)	Q1 2018 Target	Q1 2018 Actual	Goal Achieved?	Q2 2018 Target	Q2 2018 Actual	Goal Achieved?
PM 3.1.6.1: Number of evaluations to identify potential EO 13771 deregulatory actions that included opportunity for public input and/or peer review	16% of total	15%	NO	16% of total	12%	NO
PM 3.1.6.2: Number of EO 13771 deregulatory actions recommended by the Regulatory Reform Task Force to the Secretary of Defense, consistent with applicable law	6.25% of total	3.77%	NO	6.25% of total	3.61%	NO
PM 3.1.6.3: Number of EO 13771 deregulatory actions issued that address recommendations by the Regulatory Reform Task Force	6.25% of total	1%	NO	6.25% of total	0	NO
PM 3.1.6.4: Number of EO 13771 significant regulatory actions issued after January 20, 2017	2.5% of total	0	NO	2.5% of total	0	NO
PM 3.1.6.5: Number of EO 13771 deregulatory actions issued after January 20, 2017	6.25% of total	1%	NO	6.25% of total	0	NO
PM 3.1.6.6: Total incremental cost of all EO 13771 significant regulatory actions (including costs or cost savings carried over from previous fiscal years)	2.5% of total	0	NO	2.5% of total	0	NO
PM 3.1.6.7: Total incremental cost of all EO 13771 deregulatory actions (including costs or cost savings carried over from previous fiscal years)	6.25% of total	1%	NO	6.25% of total	0	NO

While DoD has identified and published several repeal rules, many of these repeals fall into the category of administrative cleanup and do count as EO 13771 deregulatory actions. Additionally, many of the Department's rules are fully or partially exempt or not subject to the requirements of EO 13771.

RRTF Rule Review Schedule



Rule Determinations per Quarter



Data Accuracy and Reliability

To ensure data accuracy and reliability, DoD defined a set of procedures for reviewing the accuracy of regulatory data consistently, trained employees on current policies and processes to ensure regulatory compliance, performed ongoing data audits, met with legal counsel to ensure regulatory compliance, and implemented ongoing monitoring of regulatory information into our current policies and procedures.

At the start of the DoD Task Force, the DoD Regulatory Program staff compiled a list of the Department's existing, codified regulations and a review schedule. In advance of the Task Force meetings, DoD Regulatory Program staff hold a workshop with the component action officers and attorneys to discuss issues/concerns with the regulations and advise on presentations/recommendations for the Task Force. Disposition forms document DoD Task Force member recommendations. Task Force meeting minutes are recorded by the OCMO support staff and reviewed by the Chair or designee. Progress reports and final recommendations are prepared by the DoD Regulatory Program staff. When preparing the progress reports and final recommendations, the DoD Regulatory Program staff refer to the component presentation materials, meeting minutes and disposition forms to ensure accuracy of the data. The package is then coordinated with the Task Force members, the Office of General Counsel, and staffed through senior leaders for approval by the Secretary of Defense. During the implementation phase, regulations will go through normal rulemaking processing procedures, and comply with executive and legislative requirements and OMB and DoD policies for promulgating regulations.

Additional Information

Contributing Programs

Internal: DoD Components assess regulations under their purview to determine if such regulations should be repealed, replaced, or modified to alleviate unnecessary regulatory cost and burden on the public. Three subgroups of the Task Force 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.

As the Task Force evaluates existing DoD acquisition regulations, it coordinates with and considers the recommendations of the Advisory Panel on Streamlining and Codifying Acquisition Regulations. The Panel, as directed by section 809 of the FY 2016 NDAA, reviews the acquisition regulations applicable to the Department with a view toward streamlining and improving the efficiency and effectiveness of the defense acquisition process and maintaining a defense technology advantage.

The Army Corps of Engineers is evaluating the Nationwide Permit rule to comply with the requirements of Executive Order 13783, “Promoting Energy Independence and Economic Growth,” dated March 28, 2017. This Executive Order requires a review of the Department’s regulations that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources.

External: During the implementation phase of this initiative, departmental rules are submitted to the Office of Management and Budget (OMB) for review and approval in accordance with the requirements of Executive Order 12866, “Regulatory Planning and Review,” dated September 30, 1993. During the OMB review period, OMB forwards the rules for interagency coordination.

Stakeholder / Congressional Consultations

The DoD Task Force published four notices in the *Federal Register* soliciting input from the public on which regulations should be repealed, replaced, or modified. One notice was published for the primary Task Force and for each of the subgroups. These comments are being taken under consideration as the DoD Components implement the approved recommendations of the Task Force. DoD also coordinates with OMB as needed.