

# TRIAD

## Government Affairs Update

October 11, 2017



Mary Ellen Fraser  
Director, LMGA

# Regulatory Reform – Executive Orders



**The White House**  
Office of the Press Secretary

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For Immediate Release January 30, 2017

## Presidential Executive Order on Reducing Regulation and Controlling Regulatory Costs

EXECUTIVE ORDER

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### REDUCING REGULATION AND CONTROLLING REGULATORY COSTS

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Budget and Accounting Act of 1921, as amended (31 U.S.C. 1101 *et seq.*), section 301 of title 5, United States Code, and section 301 of title 3, United States Code, I hereby ordered as follows:

**The White House**  
Office of the Press Secretary

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For Immediate Release February 24, 2017

## Presidential Executive Order on Enforcing the Regulatory Reform Agenda

EXECUTIVE ORDER

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### ENFORCING THE REGULATORY REFORM AGENDA

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to lower regulatory burdens on the American people by implementing and enforcing regulatory reform, I hereby ordered as follows:

United States to alleviate regulatory burdens on the American people.



# EO 13771 “Reducing Regulations and Controlling Regulatory Costs”



- **Regulatory Cap “...for every one new regulation issued, at least two prior regulations be identified for elimination...”**
- **APA “Any agency eliminating exists costs associated with prior regulations ... shall do so in accordance with Administrative Procedure Act.”**
- **Burden “...any new incremental costs associated with new regulations shall... be offset by the elimination of existing costs associated with at least two prior regulations”**

# EO 13777 “Enforcing the Regulatory Reform Agenda”



- Each Agency shall identify a Regulatory Reform Officer
- Each agency shall establish a Regulatory Reform Task Force
- Section 3(e) calls on each Task Force to seek input from entities significantly affected by regulation, “including State, local, and tribal governments, small businesses, consumers, non-government organizations, and trade associations.”



# EO 13777



- **Review regulations that:**

Eliminate jobs or inhibit job creation;

Are outdated, unnecessary, or ineffective;

Impose costs that exceed burden;

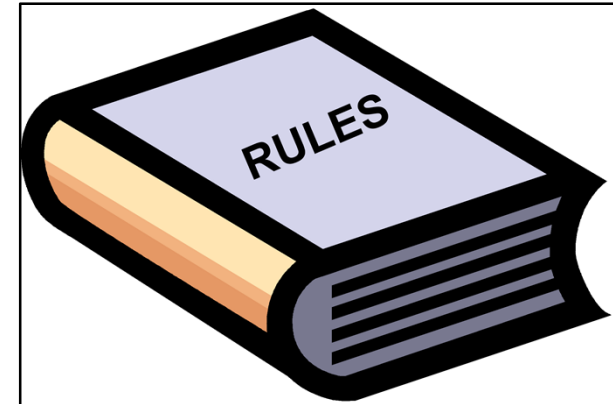
Create serious inconsistency or interfere with regulatory reform agenda.

- **Prioritize regulations that are:**

Outdated

Unnecessary

Ineffective



# SBA Public Input



- **August 15, 2017, 82 Federal Register 38617**
- **Comments due October 16**

(1) Are there SBA regulations that have become unnecessary or ineffective and, if so, what are they?

(2) Are there SBA regulations that can be repealed without impairing SBA's regulatory programs and, if so, what are they?

(3) Are there SBA regulations that have become outdated and, if so, how can they be modernized to better accomplish their regulatory objectives?

(4) Are there SBA regulations that are still necessary, but which have not operated as well as expected such that a modified approach is justified, and what is that approach?

(5) Are there SBA regulations or regulatory processes that are unnecessarily complicated or could be streamlined to achieve regulatory objectives more efficiently?

(6) Are there any technological developments that can be leveraged to modify, streamline, or repeal any existing SBA regulatory requirements?

(7) Are there any SBA regulations that are not tailored to impose the least burden on the public?

(8) How can SBA best obtain and consider accurate, objective data about the costs, burdens, and benefits of existing SBA regulations?

(9) Are there any specific suggestions of ways SBA can better achieve its regulatory objectives?



# Public Input

- **SBA.gov**
  - Round table October 16, Glen Allen, VA
  - Comments through website
- **U.S. Army Corps of Engineers**
  - Federal Register Notice July 17, 2017
- **DoD DFARS Clauses**
  - Federal Register Notice June 20, 2017

# DoD Regulatory Review



## Open DFARS Cases as of October 02, 2017

Case Number	Part Number	Title	Synopsis	Status
2017-D054		(R) Repeal of DFARS Clause "Drayage"	Repeals DFARS clause 252.247-7019, Drayage, pursuant to action taken by the DoD Regulatory Reform Task Force.	09/27/2017 DARC Director tasked staff to draft final DFARS rule. Report due 10/18/2017.
2017-D053		(R) Repeal of DFARS Clause "Subcontracting"	Repeals DFARS clause 252.247-7018, Subcontracting, pursuant to action taken by the DoD Regulatory Reform Task Force.	09/27/2017 DARC Director tasked staff to draft final DFARS rule. Report due 10/18/2017.
2017-D052		(R) Repeal of DFARS Clause "Erroneous Shipments"	Repeals DFARS clause 252.247-7017, Erroneous Shipments, pursuant to action taken by the DoD Regulatory Reform Task Force.	09/27/2017 DARC Director tasked staff to draft final DFARS rule. Report due 10/18/2017.
2017-D051		(R) Repeal of DFARS Clause "Contract Area of Performance"	Repeals DFARS clause 252.247-7013, Contract Area of Performance, pursuant to action taken by the DoD Regulatory Reform Task Force.	09/27/2017 DARC Director tasked staff to draft final DFARS rule. Report due 10/18/2017.
2017-D050		(R) Repeal of DFARS Clause "Ordering Limitation"	Repeals DFARS clause 252.247-7012, Ordering Limitation, pursuant to action taken by the DoD Regulatory Reform Task Force.	09/27/2017 DARC Director tasked staff to draft final DFARS rule. Report due 10/18/2017.
2017-D049		(R) Repeal of DFARS Clause "Period of Contract"	Repeal of DFARS Clause 252.247-7011, Period of Contract, pursuant to action taken by the DoD Regulatory Reform Task Force.	09/27/2017 DARC Director tasked staff to draft final DFARS rule. Report due 10/18/2017.
2017-D048		(R) Repeal of DFARS Clause "Scope of Contract"	Repeals DFARS clause 252.247-7010, Scope of Contract, pursuant to action taken by the DoD Regulatory Reform Task Force.	09/27/2017 DARC Director tasked staff to draft final DFARS rule. Report due 10/18/2017.
2017-D047		(R) Repeal of DFARS Provision "Award"	Repeals DFARS provision 252.247-7009, Award, pursuant to action taken by the DoD Regulatory Reform Task Force.	09/27/2017 DARC Director tasked staff to draft final DFARS rule. Report due 10/18/2017.
2017-D046		(R) Repeal of DFARS Clause "Evaluation of Bids"	Repeals DFARS clause 252.247-7008, Evaluation of Bids, pursuant to action taken by the DoD Regulatory Reform Task Force.	09/27/2017 DARC Director tasked staff to draft final DFARS rule. Report due 10/18/2017.
2017-D045	204, 252.204-7011	(R) Repeal of DFARS Provision "Alternative Line Item Structure"	Repeals DFARS provision 252.204-7011, Alternative Line Item Structure, pursuant to action taken by the DoD Regulatory Reform Task Force.	09/27/2017 DARC Director tasked staff to draft final DFARS rule. Report due 10/18/2017.
2017-D044		(R) Repeal of DFARS Provision "Alternate A, System for Award Management"	Repeals DFARS provision 252.204-7004, Alternate A, System for Award Management, pursuant to action taken by the DoD Regulatory Reform Task Force.	09/27/2017 DARC Director tasked staff to draft final DFARS rule. Report due 10/18/2017.
2017-D043		(R) Repeal of DFARS Clause "Contracting Officer's Representative"	Repeals DFARS clause 252.201-7000, Contracting Officer's Representative, pursuant to action taken by the DoD Regulatory Reform Task Force.	09/27/2017 DARC Director tasked staff to draft final DFARS rule. Report due 10/18/2017.



# 809 Panel



**Section 809 of FY16 National Defense Authorization Act tasked a DoD/Industry panel to find ways to streamline and improve the defense acquisition process**

**Panel has 2 years to development recommendation for changes in regulation and associated statutes**

**SECTION 809 PANEL** | Streamlining & Codifying Acquisition

**TEAM EIGHT**  
Streamlining Regulations

Identify, then streamline or eliminate regulations pertaining to defense acquisition that are no longer necessary.

# Regulatory Reform



Manufacturing  
Jobs Initiative

809 Panel



Agency Regulatory  
Reform Task Force

