



Homeland
Security

April 14, 2017

MEMORANDUM FOR COMPONENT HEADS

FROM: Elaine C. Duke 

SUBJECT: Implementation of the Regulatory Reform Executive Orders

This memorandum provides direction on the Department's implementation of two recent executive orders on regulatory reform. Both executive orders are designed to alleviate the unnecessary regulatory burdens placed on the American people by agency regulations.

Executive Order 13,771, *Reducing Regulation and Controlling Regulatory Costs*, requires agencies to identify, for every new regulation that the agency wishes to issue, two prior regulations for elimination and cost offsets equivalent to the cost of the new regulation. The executive order also sets DHS's FY 17 regulatory budget at zero, and provides that the Director of the Office of Management and Budget (OMB) will set a regulatory (and deregulatory) budget for each agency beginning in FY 18.

Executive Order 13,777, *Enforcing the Regulatory Reform Agenda*, includes a number of requirements to institutionalize and enforce regulatory reform initiatives. The executive order requires agencies to designate a Regulatory Reform Officer and to establish a Regulatory Task Force that will oversee DHS's implementation of regulatory reform initiatives. The Task Force is also to evaluate existing regulatory actions (defined broadly to include regulations, guidance document, policy statements, information collection reviews, and the like) and make recommendations for repeal, replacement, or modification, consistent with applicable law.

Secretary Kelly has designated the members of the Regulatory Reform Task Force and has designated me as the Department's Regulatory Reform Officer. The General Counsel is the Department's Regulatory Policy Officer. The attached list contains the membership of the Regulatory Reform Task Force, which is made up of headquarters personnel as well as Component personnel from those Components whose regulations impose the greatest relative costs on industry (i.e., USCG, CBP, and TSA).

The Task Force faces a near-term deadline, as it must submit a report to the Secretary by May 24, 2017. Upon receiving the names of your Component's officials, we will move swiftly

to begin the work of the Task Force. We intend to hold the first Task Force meeting during the week of April 24th.

In my role as Regulatory Reform Officer, I ask for your assistance in fulfilling our obligations under these executive orders. I expect all Components to place a high priority on evaluating their regulations for purposes of regulatory reform; identifying candidates for repeal, replacement, or modification; and working diligently to reduce any unnecessary burdens posed by their regulatory actions. I expect all Components to dedicate adequate resources, and to re-allocate resources where necessary, for this effort. I expect full engagement from all Components.

As the Regulatory Reform is stood up, I have a few specific requests for assistance:

1. Within 5 days of issuance of this memorandum, each Component head shall designate a senior-level accountable official to oversee their Component's regulatory reform efforts and to liaise with the Task Force. This is necessary for every Component that enforces regulations, issues guidance documents, or collects information from the public.
 - a. The senior-level officials for the CBP, USCG, and TSA will serve on the Task Force, and all other officials will serve on the Task Force as needed.
 - b. Please provide the name of your Component's senior-level accountable official to Christina McDonald, Associate General Counsel for Regulatory Affairs, Office of the General Counsel.
2. Active engagement by all in the Department is essential to our Department's success with these efforts, and so I ask for your full and active engagement.
 - a. Component senior regulatory accountable officials should immediately initiate a review of their Component's regulations, guidance documents, and information collections to identify opportunities for regulatory reform and cost savings.
 - b. Component senior regulatory accountable officials should also immediately initiate a review of Component procedures for prioritizing and developing regulations, to ensure that each Component allocates appropriate attention and resources to implementing regulatory reform initiatives and policies.
 - c. Within 60 days of the issuance of this memorandum, Component senior regulatory accountable officials should be prepared to brief the Task Force on opportunities for regulatory reform within their Component and on the Component's regulatory reform efforts thus far.

3. In line with their responsibility to manage DHS's regulatory program, OGC will continue to reach out to Components for additional data, information, and analysis. Please ensure your Component's full support of these efforts.
4. Component heads should make any necessary resource alignments to support regulatory reform initiatives. Within each Component, adequate personnel need to be assigned to deregulatory functions. Accordingly, Component personnel (such as attorneys, economists, analysts, and information collection specialists) who previously would have worked on *regulatory* actions will likely need to be focused to instead work on *deregulatory* actions.

Thank you for your attention to this important matter.

Attachment