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Description of document: Documents at the United States Agency for International Development (USAID) identifying the designation of the Regulatory Reform Officer required by Executive Order 13777, "Enforcing the Regulatory Reform Agenda," 2017

Requested date: 06-April-2017

Released date: 22-May-2018

Posted date: 29-October-2018

Source of document: FOIA Request  
USAID FOIA Office  
Bureau for Management  
Office of Management Services  
Information and Records Division  
Room 2.07C - RRB  
Washington, DC 20523-2701

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TRANSMITTED VIA EMAIL

May 22, 2018

Re: FOIA Request No. F-00170-17  
Final Response

The United States Agency for International Development (USAID) regrets the delay in responding to your Freedom of Information Act (FOIA) request. Unfortunately, USAID is experiencing a backlog of FOIA requests. Please know that USAID management is very committed in remedying the FOIA backlog.

This is the final response to your April 6, 2017, FOIA request to the USAID. You requested the following records, covering the timeframe since February 22, 2017:

- Documents at the USAID identifying the designation of the Regulatory Reform Officer required by Executive Order 13777
- Documents at the USAID identifying the designation of the members of the Regulatory Reform Task Force, as required by Executive Order 13777

For your information, Congress excluded three (3) discrete categories of law enforcement and national security records from the FOIA. See 5 U.S.C § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all of our requesters and should not be construed as an indication that excluded records do, or do not, exist.

USAID conducted a comprehensive search of the Bureau for Management, Office of Management Policy, Budget and Performance (M/MPBP) for records responsive to your request. The search produced a total of five (5) pages. Of those pages, we have determined that one (1) page is fully releasable and the remaining four (4) pages are partially releasable pursuant to 5 U.S.C. § 552(b)(6).

FOIA Exemption 6 exempts from disclosure information about individuals in personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have

requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test. Within the records, we withheld signatures, in addition to the name and email address of an Office of Management and Budget (OMB) employee.

If you require any further assistance or would like to discuss any aspect of your request, you may contact Pamela Campbell, the assigned FOIA Specialist by phone on (202) 712-4476 or at [parringtoncampbell@usaid.gov](mailto:parringtoncampbell@usaid.gov). You may also contact USAID's FOIA Public Liaison, Lynn P. Winston, at [foia@usaid.gov](mailto:foia@usaid.gov).

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services offered:

Office of Government Information Services  
National Records and Archives Administration  
8601 Adelphi Road-OGIS  
College Park, Maryland 20740-6001  
Email: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: (202) 741-5770; toll free at 1-877-684-6448  
Fax: (202) 741-5769

You have the right to appeal this final response. Your appeal must be received by USAID no later than 90 days from the date of this letter. In order for it to be considered an official appeal, please address and send directly to the FOIA Appeal Officer:

Director, Office of Management Services  
U.S. Agency for International Development  
1300 Pennsylvania Avenue, NW  
Ronald Reagan Building, Room 2.12-010  
Washington, D.C. 20523

If you wish to fax your appeal, the fax number is (202) 216-3369. Both the appeal and the envelope should be plainly marked "**FOIA Appeal**." Please include your tracking number F-00170-17, in your letter.

There is no charge for this FOIA request. As this concluded the processing of your request, it will be closed.

Thank you for your interest in USAID.

Sincerely,

**Alecia S Sillah**

Digitally signed by Alecia S Sillah  
DN: c=US, o=U.S. Government, ou=Department  
of State, ou=PIV, cn=Alecia S Sillah,  
serialNumber=990100000000000000001400000  
00373D  
Date: 2018.05.22 14:39:54 -04'00'

Lynn P. Winston, Chief  
FOIA Public Liaison Officer  
FOIA Officer/Agency Records Officer  
Bureau for Management  
Office of Management Services  
Information and Records Division

Enclosure: Responsive Document (five pages)



**USAID**  
FROM THE AMERICAN PEOPLE

August 24, 2017

**ACTION MEMO FOR ADMINISTRATOR MARK GREEN**

**FROM:** A-AA/M – Angelique M. Crumbly

**SUBJECT:** Designation of Regulatory Reform Officer per Executive Order (EO) 13777 “Enforcing the Regulatory Reform Agenda”

**Recommendation:**

That you designate the Deputy Administrator as USAID’s Regulatory Reform Officer (RRO) to comply with Section 2 of the Executive Order (EO) on Enforcing the Regulatory Reform Agenda (Tab 1).

Approve

(b)(6)

Disapprove

**Background**

Through an Action Memorandum (Tab 3) dated April 24, 2017, the Acting Administrator authorized USAID to seek from the Office of Management and Budget (OMB) a waiver of certain requirements of EO 13777, “Enforcing the Regulatory Reform Agenda.” The waiver requested that USAID be absolved from designating a RRO or creating a Regulatory Reform Task Force.

On May 18, 2017, OMB’s Office of Information and Regulatory Affairs (OIRA) responded (Tab 4). The Director of OMB approved USAID’s waiver request only with respect to Section 3 of EO 13777; he declined to waive Section 2. Therefore, the Agency is exempt from establishing a Regulatory Reform Task Force but is required to designate a Regulatory Reform Officer (RRO).

Although USAID is exempt from the requirement to establish a Regulatory Reform Task Force, the Agency continues to pursue the aims of such task forces. An internal rule-making working group is analyzing existing regulations and will recommend to the RRO possible actions to alleviate regulatory burdens. Moreover, USAID participates on entities comprised of multiple agencies, such as the Chief Acquisition Officers’ Council, that are forming Joint Regulatory Reform Task Forces under Section 3 of the EO.

Once designated, the RRO is responsible for overseeing the implementation of regulatory reform initiatives and policies to ensure USAID effectively reduces regulatory burdens, consistent with applicable law. EO 13777 further mandates that each department or agency RRO periodically report to the department or agency head and regularly consult with the organization's leadership. The Bureau for Management (M) believes the role of Deputy Administrator is best placed to discharge these important functions.

M's Office of Management Policy, Budget, and Performance (M/MPBP) coordinates rule making for USAID and is ready to provide guidance and answer any questions that could arise regarding EO 13777 and the designation of the RRO. M/MPBP recommends you make this designation be made as soon as possible, given the explicit request from the OMB Director and given an outstanding Freedom of Information Act request regarding this appointment.

#### **Authorities**

Section 2 of the Executive Order on Enforcing the Regulatory Reform Agenda (Tab 1) states: "Within 60 days of the date of this order, the head of each agency, except the heads of agencies receiving waivers under section 5 of this order, shall designate an agency official as its Regulatory Reform Officer." Under Automated Directive System Chapter 103, an official serving in an "Acting" capacity may exercise the authorities of the role. Thus, Acting Deputy Administrator Wade Warren would serve as the Regulatory Reform Officer until the President nominates and the Senate confirms a Deputy Administrator or until another official becomes the Acting Deputy Administrator.

#### **Resource Implication**

There are no resource implications associated with this recommendation.

#### **Attachments:**

- Tab 1 – Presidential Executive Order on Enforcing the Regulatory Reform Agenda
- Tab 2 –USAID's Waiver Request to EO 13777
- Tab 3 – EO 13777 Action Memoranda
- Tab 4 – Email from OMB/OIRA Desk Officer



Manuel Avendano &lt;mavendano@usaid.gov&gt;

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**EO 13777 Reg Reform Officer**

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(b)(6) EOP/OMB (b)(6)

Thu, May 18, 2017 at 1:59 PM

To: Manuel Avendano &lt;mavendano@usaid.gov&gt;

The Office of Management and Budget has approved USAID's waiver request only with respect to Section 3 of EO 13777. OMB is requesting that USAID designate a Regulatory Reform Officer in accordance with Section 2 of EO 13777. If you have any questions, please let me know.

Thanks,

(b)(6)



**USAID**  
FROM THE AMERICAN PEOPLE

*Office of the Administrator*

UNCLASSIFIED

April 24, 2017

**MEMORANDUM FOR  
DIRECTOR OF THE OMB EXECUTIVE SECRETARIAT**

**SUBJECT: Executive Order 13777 "Enforcing the Regulatory Reform Agenda"**

Pursuant to Sec. 5 of the Executive Order 13777 "Enforcing the Regulatory Reform Agenda" (E.O. 13777), enclosed is a letter from USAID Acting Administrator Wade Warren to OMB Director Mick Mulvaney. The letter requests that OMB waive USAID's compliance with E.O. 13777 based on the small number of regulations USAID issues.

(b)(6)

Executive Secretary

Attachment:

Letter from USAID Acting Administrator Wade Warren to OMB Director Mick Mulvaney, April 24, 2017





**USAID**  
FROM THE AMERICAN PEOPLE

*The Acting Administrator*

APR 25 2017

The Honorable Mick Mulvaney  
Director  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Mulvaney:

Pursuant to Sec. 5 of the Executive Order 13777 "Enforcing the Regulatory Reform Agenda," (E.O. 13777), as Acting Administrator of USAID, I am writing to request that you, as the Director of the Office of Management and Budget, waive USAID's compliance with E.O. 13777 based on the small number of regulations USAID issues.

In comparison with other federal agencies, USAID generally issues very few regulations. In addition, our rulemaking program mainly focuses on issuing mostly non-significant rules that modify the USAID's Acquisition Regulation (AIDAR), which is USAID's supplement to the Federal Acquisition Regulation.

In the past 5 years USAID has only issued 13 regulations, as defined in section 4 of E.O. 13771. Eight of those rules were issued to amend the AIDAR and the remaining five were issued primarily to comply with other federal laws and executive orders. As a result USAID believes it has fulfilled the "generally issues very few" criterion for a waiver pursuant to E.O. 13777.

Per the recently submitted Spring 2017 Unified Agenda of Regulations, USAID plans to issue only 3 non-significant rules in FY 2017. All of these rules will amend the AIDAR and will bear no cost to the American people.

This request does not detract from USAID's commitment to implement the President's regulatory reform policies, and lower the regulatory burden on the American people. USAID is actively working to identify existing regulations that, if repealed or revised, would achieve cost savings that would offset the costs of potential new significant regulatory actions.

Sincerely,

(b)(6)

Wade Warren