THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

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MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTORS OF THE DEFENSE AGENCIES

SUBJECT: Revised Waiver Policy for Reinvention Laboratories

The Department of Defense (DoD) remains committed to the goals and principles of the National Partnership for Reinventing Government (NPR). NPR activities, coupled with the defense reform initiatives, provide an excellent avenue to make significant strides in reforming the "business" of the Department while making more efficient use of the resources provided by the Congress and the American taxpayers.

I challenge the Department's reinvention laboratories to undertake additional innovative initiatives in support of the defense reform goals. Reinvention laboratories may request deviations from existing DoD policies and procedures through their component NPR office or point of contact. Over the past 4 years, reinvention laboratories have experimented with numerous exceptions to established policy and procedures. Policy proponents throughout the Department are strongly encouraged to review the results of reinvention laboratory and waiver experiments, pursue wider application of successful processes and waivers, and implement permanent changes, where appropriate.

Effective immediately, authority to approve requests from reinvention laboratories to waive DoD issuances is delegated to the cognizant Deputy Assistant Secretary of Defense, or equivalent, level. Since DoD directives are policy level regulations, the authority to waive these documents should remain at the Deputy Assistant Secretary of Defense, or equivalent, level. Approval to waive other DoD issuances, such as instructions and publications, may be further delegated as appropriate. All waiver approvals, however, require the concurrence of the Office of the General Counsel.

Consistent with President Clinton's memorandum of April 21, 1998 addressing the "Streamlining the Granting of Waivers," I direct that waiver requests be acted upon favorably,

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where feasible and desirable, and in an expeditious manner. Specifically, within the OSD, I expect that, where determined to be appropriate, waiver requests shall be acted upon within 30 days of receipt in OSD. However, waivers will become effective only upon written approval.

In keeping with the spirit of the President's memorandum, the authority to disapprove a waiver request is delegated to the cognizant Principal Staff Assistant, or equivalent senior level OSD official, who reports directly to the Deputy Secretary of Defense or me. This authority may not be redelegated. Except where disapprovals are based on a legal or legislative restriction, reinvention laboratories may elect to appeal disapprovals to the Deputy Secretary of Defense or me.

The authority contained in this memorandum may not be used to waive any provision required by statute; any practice, policy, procedure, or regulation required by law; any government-wide regulation; or any regulation issued by another Executive Branch agency that is binding on the Department of Defense. With respect to requirements relating to civilian employee working conditions, waiver authority shall be exercised consistent with any bargaining obligations and with labor-management partnership principles, including those set forth in the charter of the Defense Partnership Council.

This memorandum supercedes previous DoD waiver policy for reinvention laboratories contained in the following memoranda: "Revised DoD Waiver Policy," signed by the Under Secretary of Defense (Comptroller) on April 2, 1997; "Improved Waiver Authority Process," signed by the Deputy Secretary of Defense on February 12, 1996; "Waiver Authority for Reinvention Laboratories and Centers," signed by the Secretary of Defense on May 23, 1995; and "Waiver Authority," signed by the Secretary of Defense on March 28, 1994. The Under Secretary of Defense (Comptroller) is directed to issue procedures to implement this policy.