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Washington, DC 20548

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December 17, 2015

The Honorable Johnny Isakson
Chairman
The Honorable Richard Blumenthal
Ranking Member
Committee on Veterans' Affairs
United States Senate

The Honorable Jeff Miller
Chairman
The Honorable Corrine Brown
Ranking Member
Committee on Veterans' Affairs
House of Representatives

Subject: *Department of Defense: Transition Assistance Program (TAP) for Military Personnel*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of Defense (DOD) entitled "Transition Assistance Program (TAP) for Military Personnel" (RIN: 0790-AJ17). We received the rule on December 2, 2015. It was published in the *Federal Register* as an interim final rule on November 30, 2015. 80 Fed. Reg. 74,678.

The interim final rule establishes policy, assigns responsibilities, and prescribes procedures for administration of the DOD Transition Assistance Program, which has the goal of preparing eligible members of the military services for a transition to civilian life, including preparing them to meet Career Readiness Standards (CRS).

Enclosed is our assessment of DOD's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. Our review of the procedural steps taken indicates that DOD complied with the applicable requirements.

If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to the subject matter of the rule, please contact Shirley A. Jones, Assistant General Counsel, at (202) 512-8156.

signed

Robert J. Cramer
Managing Associate General Counsel

Enclosure

cc: Patricia Toppings
OSD Federal Register Liaison Officer
Department of Defense

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
DEPARTMENT OF DEFENSE
ENTITLED
“TRANSITION ASSISTANCE PROGRAM (TAP)
FOR MILITARY PERSONNEL”
(RIN: 0790-AJ17)

(i) Cost-benefit analysis

The Department of Defense (DOD) prepared a cost-benefit analysis in conjunction with the interim final rule. DOD stated that its costs to implement the Transition Assistance Program (TAP) for fiscal year 2014 were \$85 million, which included civilian and contractor staff salaries and benefits, equipment, computers, information technology and architecture, data collection and sharing, web site development, performance evaluation and assessments, curriculum development and modification, materials, facilitation training, research, studies and surveys. DOD states that it is dependent upon other federal agencies, including the Department of Veterans Affairs, Department of Labor, Small Business Administration, Department of Education, and the Office of Personnel Management, to deliver TAP to transitioning service members and that DOD cannot estimate the costs for its interagency partners. DOD described the qualitative benefits of the interim final rule, which include benefits to service members of increased career readiness, and benefits to communities across the country that will receive more educated, better-trained, and more prepared citizens when separating service members return to communities.

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603-605, 607, and 609

DOD determined that the interim final rule would not have a significant economic impact on a substantial number of small entities.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

DOD determined that the interim final rule will not mandate any requirements for state, local, or tribal governments, nor will it affect private sector costs.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 et seq.

The notice and comment requirements of the Administrative Procedure Act do not apply to rules involving a military function of the United States. 5 U.S.C. 553(a)(1). However, DOD states that it is providing the public with an opportunity to review and comment on the rule because it is being published to redesign the two-decades-old program and make Post 9/11 transitioning service members career ready.

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501-3520

DOD determined that the interim final rule does not contain information collection requirements under the Paperwork Reduction Act.

Statutory authorization for the rule

The interim final rule is authorized by Chapter 58 of title 10 of the U.S. Code.

Executive Order No. 12,866 (Regulatory Planning and Review)

The interim final rule has been designated as an “economically significant regulatory action” under the Order and has been reviewed by the Office of Management and Budget.

Executive Order No. 13,132 (Federalism)

DOD determined that the interim final rule will not have a substantial effect on state and local governments.