



Insight

Regulatory Agenda Confirms Commitment to Deregulation

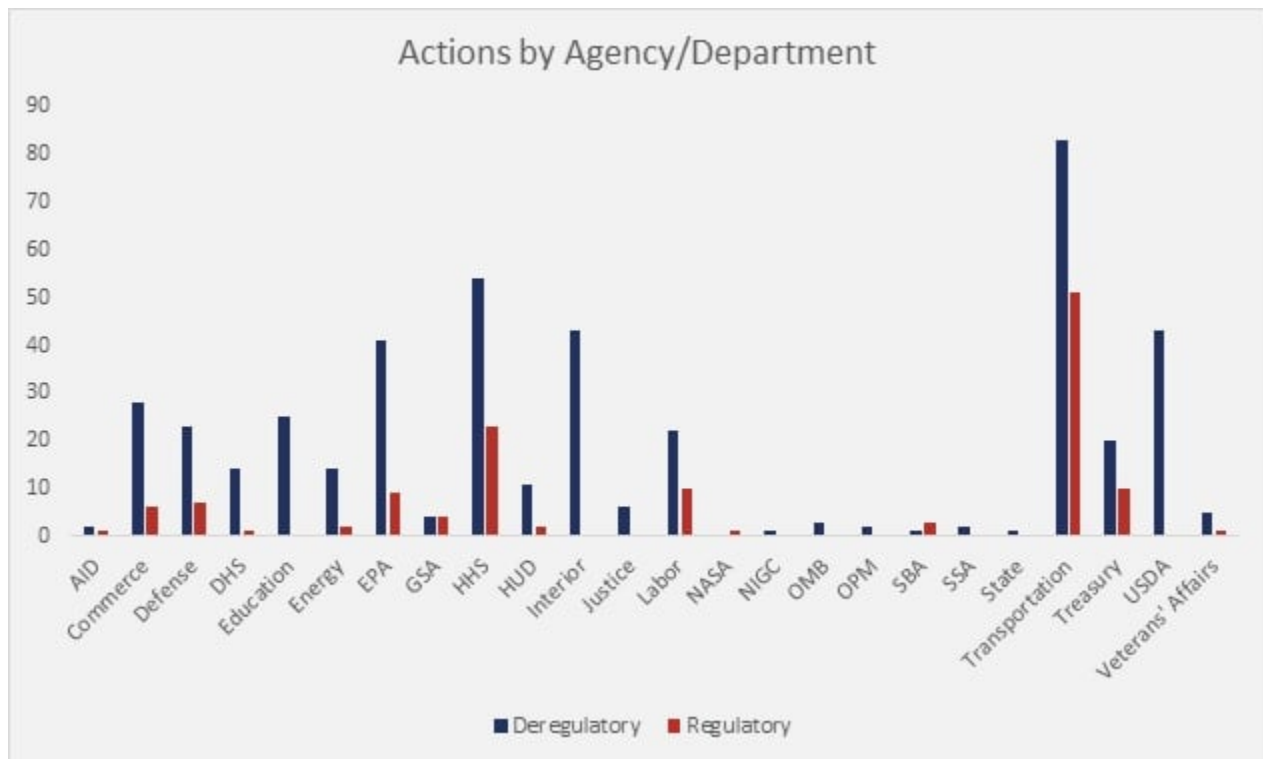
DAN BOSCH, DAN GOLDBECK | DECEMBER 21, 2017

The recent release of the Trump Administration’s [Unified Agenda of Regulatory and Deregulatory Actions](#) was complete with fanfare not usually employed for the federal government’s regulatory blueprint. President Trump held an event trumpeting the administration’s achievements in its first 11 months. In a nod to his real estate development days, the president cut a ribbon in front of five giant stacks of paper symbolizing the current size of the Code of Federal Regulations.

Beyond the symbolism, the new Unified Agenda was notable for two reasons. One, which we covered previously, was the inclusion of a [regulatory budget](#) for the first time. The second is the collection of ambitious goals the administration seeks in terms of deregulatory activity.

Of the 579 actions listed in the Unified Agenda as deregulatory or regulatory, 448 are deregulatory, while 131 are regulatory. If this plan is executed as written, that would put the administration at a ratio of 3.4 deregulatory actions for every regulatory action – well beyond the goal of two-for-one.

The chart below breaks down these actions by agency or department.



By sheer volume, the Department of Transportation leads the way in both deregulatory and regulatory actions with 83 and 51 actions, respectively. The Department of Health and Human Services is second in each category

with 54 deregulatory and 23 regulatory actions.

Ten agencies expect to only issue deregulatory actions in FY 2018. Just one agency, the National Aeronautics and Space Administration, will issue a regulatory action without any deregulatory actions. This implies that it will receive a waiver from the Office of Management and Budget, based on the criteria for covered regulatory actions explained in [Executive Order 13,771](#) and its implementing memoranda.

Though the deregulatory actions planned in the Unified Agenda won't eradicate the reams of unnecessarily and outdated regulations on the books, it will help to continue to re-focus regulators on improving the current regulatory environment before they pursue additional burdens. It will also continue to signal to employers that federal agencies in Washington will be looking to get out of the way rather than install new obstacles to growth.

A schedule of 40 notable deregulatory and regulatory actions is below. Deregulatory actions are listed in red, while regulatory actions are in black.

<u>Agency</u>	<u>RIN</u>	<u>Title</u>	<u>Rule Stage</u>
<i>January 2018</i>			
DHS	1652-AA53	General Aviation Security and Other Aircraft Operator Security	Withdrawal
DHS	1651-AB04	Air Cargo Advance Screening (ACAS)	Final
<i>February 2018</i>			
HHS	0938-AT23	Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction	Proposed
DOD	0720-AB47	TRICARE; Reimbursement of Long-Term Care Hospitals and Inpatient Rehabilitation Facilities	Final
VA	2900-AO65	Loan Guaranty: Ability-to-Repay Standards and Qualified Mortgage Definition Under the Truth in Lending Act	Final
DHS	1615-AC15	Removing H-4 Dependent Spouses from the Class of Aliens Eligible for Employment Authorization	Proposed
<i>March 2018</i>			
EPA	2060-AT59	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Stay of Certain Requirements	Final
DOT	2132-AB30	Protecting Transit Operators from the Risk of Assaults	Proposed
DOT	2127-AL76	Passenger Car and Light Truck Corporate Average Fuel Economy Standards MYs 2022-2025	Proposed
<i>April 2018</i>			
DHS	1601-AA34	Collection of Alien Biometric Data Upon Exit From the United States at Air and Sea Ports of Departure	Withdrawal

HHS	0938-AT27	Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY 2019 Rates	Proposed
HHS	0955-AA01	Health Information Technology: Interoperability and Certification Enhancements	Proposed
<i>May 2018</i>			
EPA	2060-AR57	Review of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen	Final
EDUCATION	1840-AD26	Borrower Defense and Related Issues	Proposed
<i>June 2018</i>			
TREASURY	1545-BO18	Treatment of Certain Interests in Corporations as Stock or Indebtedness	Proposed
TREASURY	1545-BO02	Treatment of Certain Interests Between Members of an Expanded Group	Proposed
TREASURY	1515-AE03	Automated Commercial Environment (ACE) Required for Electronic Entry/Entry Summary (Cargo Release and Related Entry) Filings	Final
DOT	2130-AC46	Passenger Equipment Safety Standards Amendments	Final
EDUCATION	1840-AD31	Program Integrity; Gainful Employment	Proposed
EPA	2060-AT67	State Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units	Proposed
TREASURY	1506-AB01	Financial Crimes Enforcement Network: Cross-Border Electronic Transmittals of Funds	Proposed
<i>July 2018</i>			
VA	2900-AP60	Expanded Access to Non-VA Care Through the Veterans Choice Program	Final
<i>August 2018</i>			
HHS	0970-AC73	Head Start Service Duration Requirements	Proposed
HHS	0938-AT40	Medicaid and CHIP Managed Care	Proposed
HHS	0938-AT38	Administrative Simplification; Health Care Claims Attachments	Proposed
HHS	0910-AF43	Sunscreen Drug Products For Over-The-Counter-Human Use; Tentative Final Monograph	Proposed
DOT	2137-AE72	Pipeline Safety: Gas Transmission	Final Rule
DOT	2120-AK77	Requirements to File Notice of Construction of Meteorological Evaluation Towers and Other Renewable Energy Projects	Proposed

<i>September 2018</i>			
HHS	0945-AA08	HIPAA Privacy Rule: Changing Requirement to Obtain Acknowledgment of Receipt of the Notice of Privacy Practices	Proposed
HHS	0938-AT37	CY 2020 Notice of Benefit and Payment Parameters	Proposed
DHS	1652-AA55	Security Training for Surface Transportation Employees	Final
<i>October 2018</i>			
EPA	2060-AT55	Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units	Final
INTERIOR	1014-AA40	Revisions to the Requirements for Exploratory Drilling on the Arctic Outer Continental Shelf	Proposed
INTERIOR	1014-AA39	Revisions to the Blowout Preventer Systems and Well Control Rule	Proposed
HHS	0910-AH92	Food Labeling: Revision of the Nutrition and Supplement Facts Labels and Serving Sizes of Foods That Can Reasonably Be Consumed At One Eating Occasion; Dual-Column Labeling; Updating, Modifying, and E	Proposed
SEC	3235-AL42	Investment Company Reporting Modernization; Option for Website Transmission of Shareholder Reports	Final
DOT	2127-AK95	Establish Side Impact Performance Requirements for Child Restraint Systems	Final
DOT	2127-AL37	Rear Seat Belt Reminder System	Proposed
HHS	0910-AH04	Mammography Quality Standards Act; Regulatory Amendments	Proposed
DOE	1904-AD15	Energy Conservation Standards for Residential Conventional Cooking Products	Proposed