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CIBO June Quarterly Meeting
March 7, 2017



The Cabinet Is Almost Full



Other Notable Announced Positions

Position	Trump selection	Senate confirmation	Key details
White House Chief of Staff	Reince Priebus	No	Priebus was the Republican National Committee chairman and was seen as a more traditional Washington insider selection.
Office of Management and Budget Director	Mick Mulvaney	Yes	The former House Republican from South Carolina was confirmed on Feb. 16, by a vote of 51-49.
Environmental Protection Agency Administrator	Scott Pruitt	Yes	The former Oklahoma attorney general was confirmed Feb. 17 by a vote of 52-46.
Food and Drug Administration		Yes	Trump hasn't announced a nominee yet, though former FDA deputy commissioner Scott Gottlieb is said to be the frontrunner ,
U.S. Trade Representative	Robert Lighthizer	Yes	A lawyer who was deputy trade representative during the Reagan administration.
Ambassador to the United Nations	Nikki Haley	Yes	Former Republican governor of South Carolina was confirmed on Jan. 24, by a vote of 96-4.
National Economic Council Director	Gary Cohn	No	Goldman Sachs CEO Gary Cohn has accepted a job as Trump's chief economic policy adviser.



Congressional Review act: The Basics

The CRA created an expedited process for Congress to block regulatory action

- Joint resolution of disapproval can't be filibustered in the Senate, allowing passage with simple majorities because of automatic debate limits
- Must be passed by both chambers and is subject to veto by the president

To use the expedited Senate procedure, a disapproval resolution must be introduced and voted on within 60 legislative days of the regulatory action

- The clock for each chamber starts with the later of Federal Register publication or submission of the rule to each chamber of Congress
- Days when either the House or Senate is out of session don't count
- The law keeps "major" rules – those with an economic effect of \$100 million or more – from taking effect during the review period

The clock resets for pending rules at the beginning of a new Congress

- Rules submitted within 60 days of the end of a Congress are treated as if they were submitted on the 15th day of the new session
- This year, the "carryover period" covers actions since mid-June
- The new review period could last until mid-May 2017, depending on House and Senate schedules

House passed 13 CRA resolutions; President has signed two as of Feb. 16

Resolution	Rule Affected	House	Senate	Pres.
H. J. Res. 36	BLM methane waste prevention or “venting” rule	221-191 (Feb. 3)		
H. J. Res. 37	Contractor “blacklisting” rule from Defense Dept., NASA, GSA	236-187 (Feb. 2)	THIS WEEK	
H. J. Res. 38	Interior Dept. stream protection rule	228-194 (Feb. 1)	54-45 (Feb. 2)	Feb. 16
H. J. Res. 40	SSA notification rule for firearm background checks	235-180 (Feb. 2)	57-43 (Feb. 15)	
H. J. Res. 41	SEC resource extraction payment disclosure rule	235-187 (Feb. 1)	52-47 (Feb. 3)	Feb. 14
H. J. Res. 42	Labor Dept. limits on state unemployment applicant drug testing	236-189 (Feb. 15)		
H. J. Res 43	Title X federal family planning funds disbursement rule	230-188 (Feb. 16)		



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Resolution	Rule Affected	House	Senate	Pres.
H. J. Res. 44	BLM land use planning rule (Planning 2.0)	234-186 (Feb. 7)	This Week	
H. J. Res. 57	Education Dept. school accountability standards	234-190 (Feb. 7)		
H. J. Res. 58	Education Dept. teacher preparation rule	240-181 (Feb. 7)		
H. J. Res. 66	Labor Dept. state IRA program enrollment rule	231-193 (Feb. 15)		
H. J. Res. 67	Labor Dept. municipal IRA program enrollment rule	234-191 (Feb. 15)		
H. J. Res. 69	FWS Alaskan predator management rule	225-193 (Feb 16)		

Environmental and Energy regulations remain prime targets for CRA review

Resolution	Agency	Rule
S. J. Res. 21	EPA	Updated ozone air quality standards
H. J. Res. 34 H. J. Res. 47 H. J. Res. 70	Interior Dept.	Arctic offshore exploratory drilling rules
H. J. Res. 45	FWS	Nonfederal oil and gas extraction rules in national wildlife refuges
H. J. Res. 46	NPS	Nonfederal oil and gas extraction rules in national parks
H. J. Res. 56	BLM	Site security requirements for oil and gas operations on federal land
H. J. Res. 59	EPA	Prevention and response requirements for accidental release of hazardous chemicals
H. J. Res. 60	FWS	Compensatory mitigation policy under the Endangered Species Act
H. J. Res. 68	BLM	Measurement standards for gas from federal and Indian lands

Additional rules have been suspended by the Trump administration

The Trump administration issued a memorandum on inauguration day that called for new rules to be postponed or withdrawn. Some delayed rules include:

- **30 EPA rules**, related to issues such as renewable fuel standards, formaldehyde emissions, oil and hazardous substances pollution, solid waste landfill permitting, pesticides, radon emissions and air quality
- Energy Department efficiency standards for ceiling fans, compressors, walk-in coolers, and central air conditioners and heat pumps
- A Pipeline and Hazardous Materials Safety Administration rule on notification timing for accidents, alcohol and drug testing, and standards for in-line inspection
- Classification of the rusty patched bumblebee as an endangered species by the Fish and Wildlife Service
- An Occupational Safety and Health Administration rule on worker exposure to the toxic substance beryllium

Rules that have been withdrawn pending additional review include:

- An EPA rule on disposal of mercury dental fillings
- Labor Dept. fiduciary rule for investment advisers, frozen at the direction of an executive memorandum



The house passed two bills that would change the regulatory review process

The House passed H.R. 21, a reintroduced Midnight Rules Relief Act, on Jan. 4 by a vote of 238-184

- It would expand on the CRA to allow multiple rules issued in a president's final year to be overturned by a single joint resolution of disapproval
- The House passed a similar bill, H.R. 5982 in the 114th Congress, on Nov. 17
- A Senate companion, S. 34, was introduced by Wisconsin Republican Ron Johnson

The House passed H.R. 26, the Regulations from the Executive in Need of Scrutiny Act (or REINS Act), by 237-187 vote on Jan. 5

- It would require congressional approval for "major" rules, with an annual economic cost of more than \$100 million, before they could take effect
- Effectively, a single chamber could block any major rule by not passing a joint resolution approving it
- The House passed similar legislation on July 28, 2015, and Aug. 2, 2013
- A Senate companion, S. 21, was introduced by Kentucky Republican Rand Paul

To reach Trump's desk, both pieces of legislation would have to overcome a likely filibuster by Senate Democrats



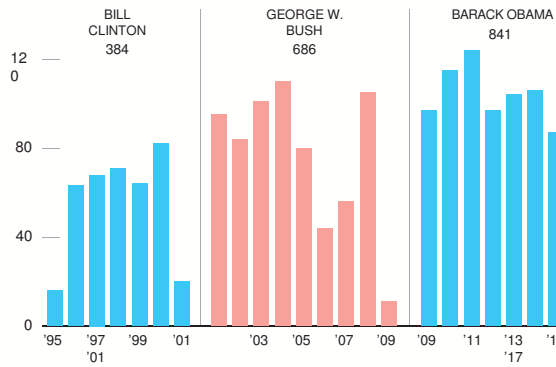
Trump: 'Knock Out Two Regulations For Every New Regulation'

Business Regulations Peak Under Obama

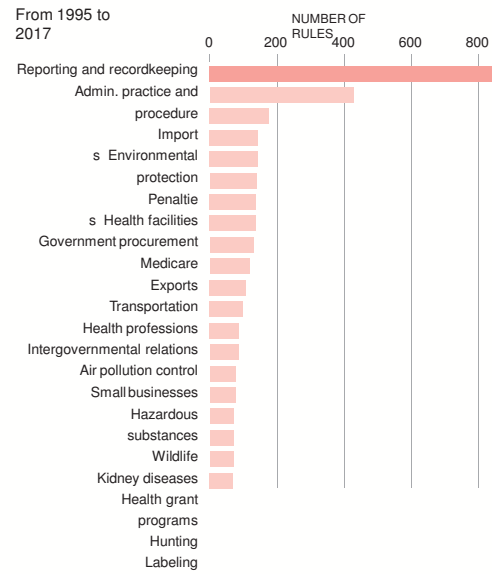
The Obama administration issued the most significant regulations affecting businesses, issuing at least 100 such major rules in five of its eight years in office.

The administration peaked with 124 major rules in 2011, the highest number of major rules affecting businesses since 1995, when the executive branch first began tracking significant rules.

New significant rules affecting U.S. businesses by administration



Top 20 regulation topics affecting U.S. businesses



Opportunities if you “Make Things”

- Top 3 CIBO Asks
 - Regulation
 - Reform
 - Deregulation (Unified Agenda of Federal Regulatory and Deregulatory Actions)
 - Legislation
 - Reform

QUESTIONS?

