

The Trump Administration's First 100 Days: In-House Guide to Key Policy & Regulatory Developments

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DONALD TRUMP'S CONTRACT WITH THE AMERICAN VOTER

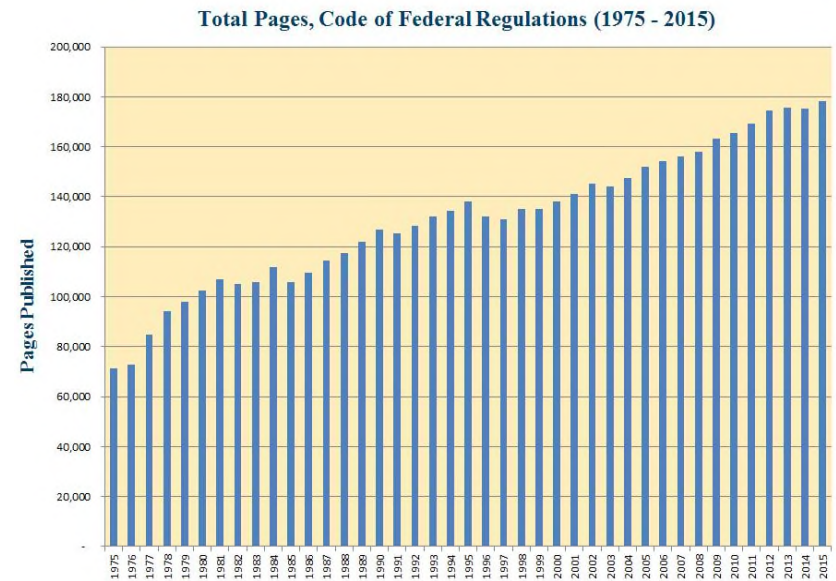
Released in October - 100-day action plan to Make America Great Again

“On the first day of my term of office, my administration will immediately pursue the following six measures to clean up the corruption and special interest collusion in Washington, DC.”

- **FIRST**, propose a Constitutional Amendment to impose term limits on all members of Congress;
- **SECOND**, a hiring freeze on all federal employees to reduce federal workforce through attrition (exempting military, public safety, and public health);
- **THIRD**, a requirement that for every new federal regulation, two existing regulations must be eliminated;
- **FOURTH**, a 5 year-ban on White House and Congressional officials becoming lobbyists after they leave government service;
- **FIFTH**, a lifetime ban on White House officials lobbying on behalf of a foreign government;
- **SIXTH**, a complete ban on foreign lobbyists raising money for American elections.

SUCCESS?

- **FIRST:** A constitutional amendment must be proposed by Congress or a constitutional convention.
 - President does not have a constitutional role in the amendment process;
 - Major Leader McConnell opposes term limits and has said its not on the agenda.
- **SECOND:** Trump did impose a hiring freeze; then lifted in favor of a "smarter plan, a more strategic plan, a more surgical plan."
 - Lift linked to complaints that essential operations were suffering.
- **THIRD:** Ongoing.....Trump once said that "70 percent of regulations can go!"
 - Key areas of target: EPA, Banking and FCC (net neutrality).
- **FOURTH:** Weakened Obama rule, by removing some restrictions on lobbyists entering the administration.
- **FIFTH:** NO Action.
- **SIXTH:** NO Action.



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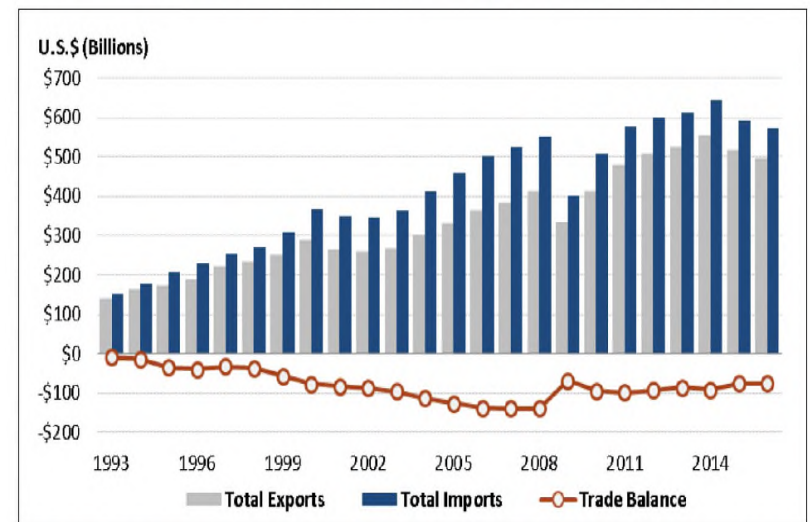
“On the same day, I will begin taking the following 7 actions to protect American workers”:

- **FIRST**, I will announce my intention to renegotiate NAFTA or withdraw from the deal under Article 2205;
- **SECOND**, I will announce our withdrawal from the Trans-Pacific Partnership;
- **THIRD**, I will direct my Secretary of the Treasury to label China a currency manipulator;
- **FOURTH**, I will direct the Secretary of Commerce and U.S. Trade Representative to identify all foreign trading abuses that unfairly impact American workers and direct them to use every tool under American and international law to end those abuses immediately;
- **FIFTH**, I will lift the restrictions on the production of \$50 trillion dollars' worth of job-producing American energy reserves, including shale, oil, natural gas, and clean coal;
- **SIXTH**, lift the Obama-Clinton roadblocks and allow vital energy infrastructure projects, like the Keystone Pipeline, to move forward;
- **SEVENTH**, cancel billions in payments to U.N. climate change programs and use the money to fix America's water and environmental infrastructure.

SUCCESS?

- **FIRST:** Trump delivered draft letter to Congress on March 30th. Mexico has followed suit.
 - Formal requirements to follow, which triggers 90 day negotiating window;
 - Initial draft lists “rule of origin” tweaks, which could impact auto suppliers.
- **SECOND:** Formally abandoned in January.
- **THIRD:** Abandoned campaign pledge. Will not label China a currency manipulator.
- **FOURTH:** TBD
- **FIFTH:** Very Active.
 - Signed legislation undoing the Interior Department’s “Stream Protection Rule;”
 - Signed an executive order calling on every federal agency to loosen the regulatory reins on fossil fuel industries;
 - Secretary Ryan Zinke formally lifted the ban on new coal leasing on federal land.
- **SIXTH:** Permitted Keystone and Dakota Access Pipelines.
- **SEVENTH:** Trump’s FY 2018 proposal to zero out funding for United Nations climate change programs.

U.S. Merchandise Trade with NAFTA Partner 1993-2016



Source: Compiled by CRS using trade data from the U.S. International Trade Commission’s Interactive Tariff and Trade Data Web, at <http://dataweb.usitc.gov>.

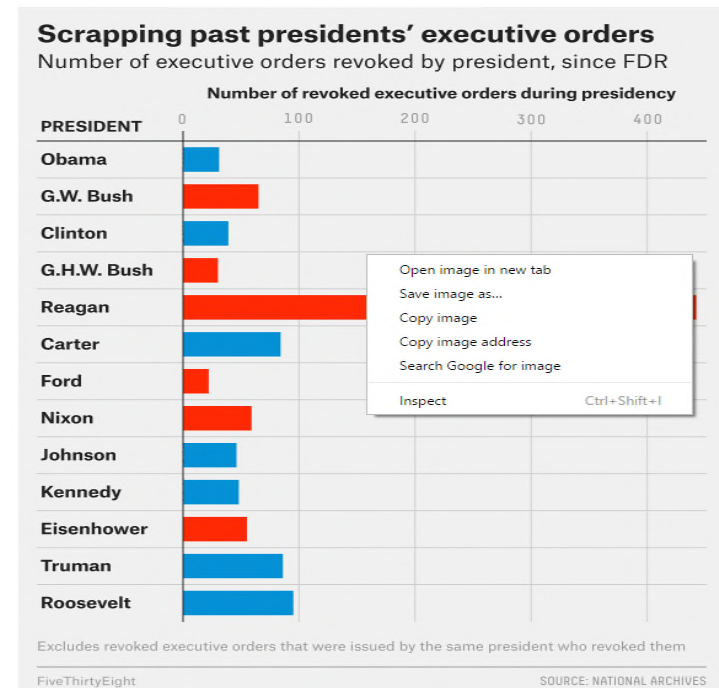
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“Additionally, on the first day, I will take the following five actions to restore security and the constitutional rule of law:”

- **FIRST**, Cancel every unconstitutional executive action, memorandum and order issued by President Obama;
- **SECOND**, Begin the process of selecting a replacement for Justice Scalia from one of the 20 judges on my list, who will uphold and defend the Constitution of the United States;
- **THIRD**, Cancel all federal funding to Sanctuary Cities;
- **FOURTH**, Begin removing the more than 2 million criminal illegal immigrants from the country and cancel visas to foreign countries that won't take them back;
- **FIFTH**, Suspend immigration from terror-prone regions where vetting cannot safely occur. All vetting of people coming into our country will be considered extreme vetting.

SUCCESS?

- **FIRST:** In process....
 - First action in office eliminated Obama-era mortgage premium cut.
- **SECOND:** Justice Neil Gorsuch sworn in as 9th Supreme Court Justice replacing Scalia
- **THIRD:** Signed executive order declaring that so-called sanctuary cities have caused "immeasurable harm to the American people and to the very fabric of our republic."
 - California Judge ruled to allow suing.
- **FOURTH:** 2 executive orders.
 - Orders include directive for border wall, creation of "deportation force" and new detention centers, ended "catch and release";
 - AG Sessions called for "new push".
- **FIFTH:** Executive Order blocked Syrian refugees from resettling for 120 days, and prohibited nationals of seven predominantly Muslim countries from entering the United States for 90 days;
 - Judge ruled against ban, stated it targeted Islam.



TRUMP LEGISLATIVE AGENDA

- Middle Class Tax Relief And Simplification Act
 - Delayed due to Obamacare debate;
 - Disagreement whether to do “comprehensive” reform, which includes corporate.
- End The Offshoring Act
 - Debate within Republican Party and White House over 20% Border Adjustment Tax;
 - Trump originally wanted tariffs.
- American Energy & Infrastructure Act
 - No movement, waiting on infrastructure bill.
- School Choice And Education Opportunity Act.
 - Stated mission is to direct \$20 billion in federal funding to school choice policies;
 - FY 2018 budget proposal has 250 million private school choice program.

TRUMP LEGISLATIVE AGENDA

- Repeal and Replace Obamacare Act
 - House did not take up a vote on Republican backed American Health Care Act;
 - White House “restarting” talks, but still finding resistance.
- Affordable Childcare and Eldercare Act
 - NO Action
- End Illegal Immigration Act
 - Piecemeal executive actions, but no legislation movement
- Restoring Community Safety Act
 - NO Action
- Restoring National Security Act
 - Asked for \$52 billion in FY 2018 discretionary cuts to fund defense plus up
- Clean up Corruption in Washington Act
 - NO Action

FIRST 100 DAYS: REGULATORY REFORM INITIATIVES (1)

- Presidential Memorandum on *Regulatory Freeze Pending Review*, Jan. 20, 2017
- Presidential Memorandum on *Streamlining Permitting and Reducing Regulatory Burden* (Commerce Department proceeding), Jan. 24, 2017
 - Commerce Department Request for Information, March 7, 2017
 - 175+ submissions
- Executive Order 13771 on *Reducing Regulation and Controlling Regulatory Costs*, Jan. 30, 2017
 - OIRA Interim Guidance Implementing EO 13771, Feb. 2, 2017
 - Updated OIRA Guidance, April 5, 2017
- EO 13772 on *Core Principles for Regulating the United States Financial System*, Feb. 3, 2017

FIRST 100 DAYS: REGULATORY REFORM INITIATIVES (2)

- Executive Order 13777 on *Enforcing the Regulatory Reform Agenda*, Feb. 24, 2017
 - EPA notice on *Evaluation of Existing Regulations*, April 13, 2017
- Executive Order 13778 on *Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the “Waters of the United States” Rule* Feb. 28, 2017
 - EPA Notice of Intention to Review and Rescind or Revise the Clean Water Rule, March 6, 2017
- Presidential Budget Proposal, March 16, 2017
 - Major cuts for EPA, Departments of State, Agriculture, Labor, Justice
- Executive Order 13783 on *Promoting Energy Independence and Economic Growth*, March 28, 2017
 - EPA notice on *Review of the Clean Power Plan*, April 4, 2017

PRESIDENTIAL BUDGET PROPOSAL

DISCRETIONARY SPENDING, IN BILLIONS (NY TIMES, MARCH 16, 2017)

Agency	2017 baseline	2018 proposal	Change	Pct. change
Environmental Protection Agency	\$8.2	\$5.7	-\$2.6	-31%
State and other development programs	\$38.0	\$27.1	-\$10.9	-29%
Agriculture	\$22.6	\$17.9	-\$4.7	-21%
Labor	\$12.2	\$9.6	-\$2.5	-21%
Justice	\$20.3	\$16.2	-\$4.0	-20%
Health and Human Services	\$77.7	\$65.1	-\$12.6	-16%
Commerce	\$9.2	\$7.8	-\$1.5	-16%
Education	\$68.2	\$59.0	-\$9.2	-14%
Transportation	\$18.6	\$16.2	-\$2.4	-13%
Housing and Urban Development	\$36.0	\$31.7	-\$4.3	-12%
Interior	\$13.2	\$11.6	-\$1.5	-12%
Energy	\$29.7	\$28.0	-\$1.7	-6%
Treasury	\$11.7	\$11.2	-\$0.5	-4%
NASA	\$19.2	\$19.1	-\$0.2	-1%
Veterans Affairs	\$74.5	\$78.9	+\$4.4	+6%
Homeland Security	\$41.3	\$44.1	+\$2.8	+7%
Defense	\$521.7	\$574.0	+\$52.3	+10%

KEY EXECUTIVE ORDER: EO 13771

- “One in, two out”
- Zero incremental cost of new regulation for FY 17
- Regulatory budget (“cap”) to be set for each agency for FY 18 and beyond
- No new rule may be issued unless included in Unified Agenda of Federal Regulatory Actions (including expected costs and offsets)

KEY EXECUTIVE ORDER: EO 13777

- Each agency must designate a Regulatory Reform Officer and Task Force responsible for identifying rules that should be repealed, replaced, or modified
- Criteria include rules that:
 - Eliminate jobs or inhibit job creation
 - Are outdated, unnecessary, or ineffective
 - Impose costs that exceed benefits
 - Create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies
 - Are inconsistent with requirements for information transparency and reproducibility

OPPORTUNITIES AND CHALLENGES

- Multiple reform programs are in motion, creating a complicated playing field
- With so many initiatives under way, how can an interested party move its top items to the front of the line?
 - Resource-strapped staff, Administrative Procedure Act still applies
 - EO 12866 benefit/cost requirements remain in force
- How will cost “savings” be calculated?
- Timing
- How will court-ordered or statutory deadlines change the dynamics?
- Banking and trading arrangements are under consideration
- The status of independent agencies is unclear

QUESTIONS?



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