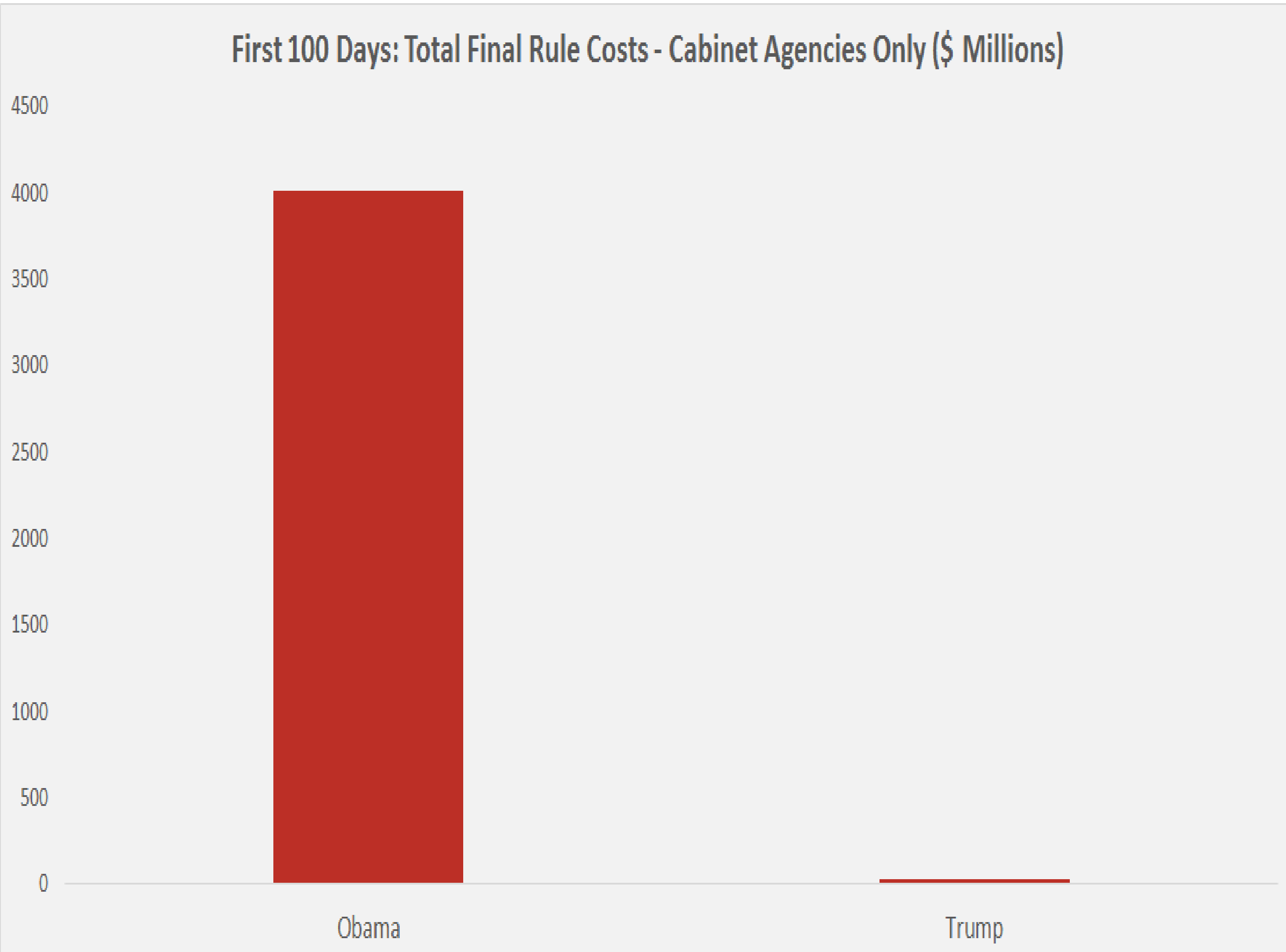
Insight

The First 100 Days in Regulation

SAM BATKINS | APRIL 25, 2017

With a firm fixation on the first 100 days in office for the president, it's instructive to compare the regulatory records of the past two transitions. The chart below tracks final regulatory costs during the first 100 days of the Obama and Trump Administrations, a difference of nearly $4 billion in regulatory burdens.

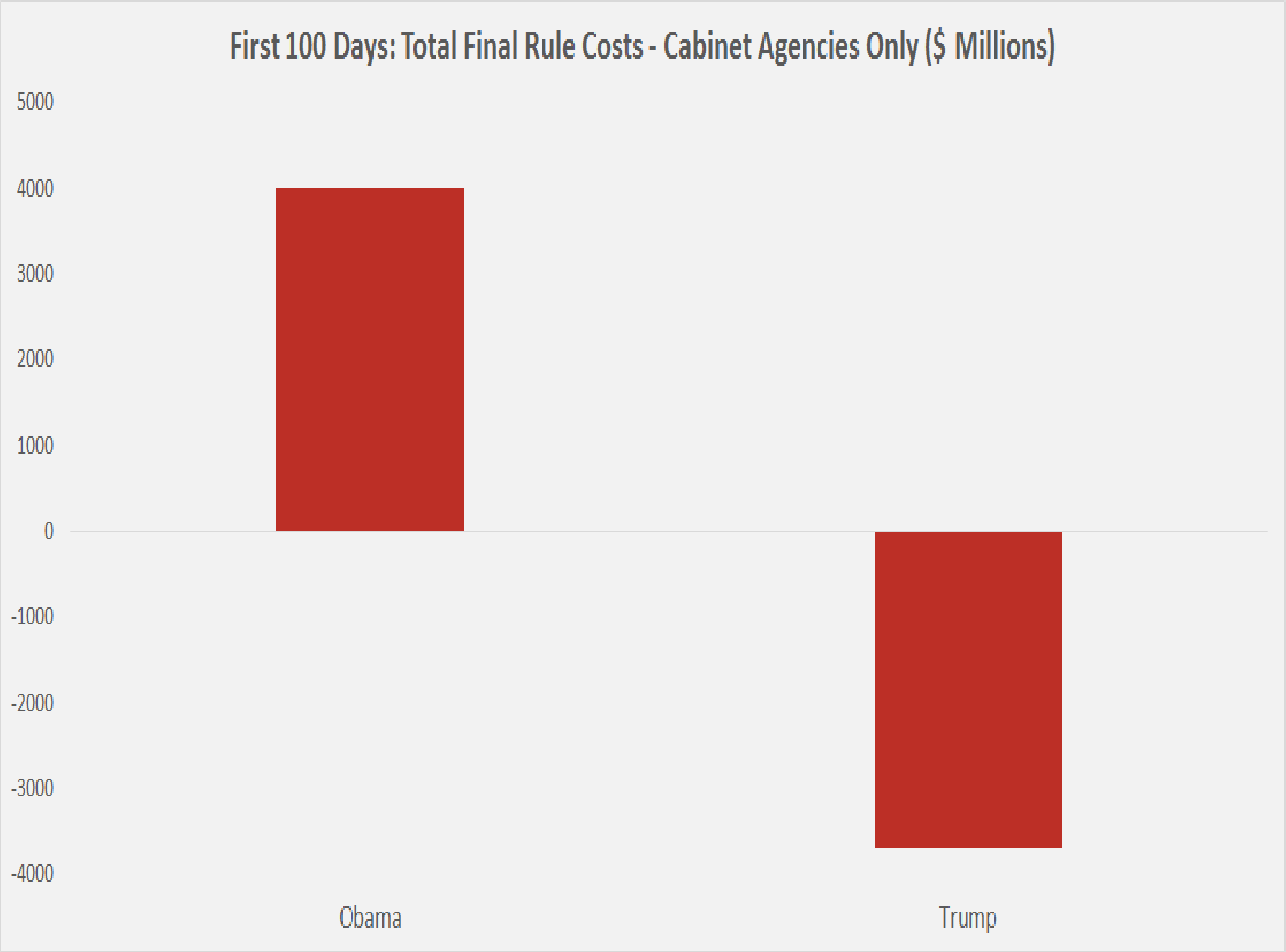


For those who claim deregulation has not been a success or that President Trump has not accomplished anything in office, this chart should offer pause. Even though transitions are not a time of peak regulatory activity, President Obama managed to impose $4 billion in total, net present value regulatory costs, compared to $28 million from President Trump, or less than one percent of President Obama's total. On an annual basis, the Obama Administration still published more than $2.1 billion in costs, compared to less than $100 million during this administration.

This chart should not come as shock to many who have followed regulatory policy during the Trump Administration and his public statements. With an official government policy of repealing two rules for every new regulation and achieving $0 in net regulatory costs by the end of the fiscal year, the graph above is a necessary condition for the type of significant reform this administration seeks.

What is perhaps more striking than the graph above is the number of major rules from cabinet agencies during the first 100 days. President Obama approved nine major rules totaling more than $3.1 billion in burdens. Officially, President Trump has approved zero new major regulations, but the "Market Stabilization" rule for health care markets and an official delay of the "Fiduciary Rule" were both economically significant and will be labeled major soon. However, the Fiduciary Rule delay cut costs by $78 million and the stabilization measure did not impose any new burdens. Thus, the major rules under the Trump Administration have actually contributed to his vision for fewer regulatory costs.

There have been several lawsuits aimed at the administration's regulatory agenda, from the one-in, two-out regulatory budget, to the passage of a Congressional Review Act (CRA) resolution of disapproval. However, even those actions aren't reflected in the chart. It represents only final rules published in the Federal Register from Presidents Obama and Trump. If deregulatory actions from the CRA were included, the chart would look like this:



With deregulatory actions from the CRA included, the tally stands at ***negative*** $3.6 billion for the Trump Administration against $4 billion for the Obama Administration, a spread of $7.6 billion in the first 100 days. Even the graph above doesn't represent everything, the other formal delays and executive actions designed to reduce costs and streamline the administrative state. During the course of a four-year presidential term, that could equate to a difference of $111 billion. And if the negative $3.6 billion is extended out through the next four years, that could yield a projected $52.5 billion reduction in regulatory costs. Contrast that to the $501 billion increase from 2009 to 2012.

Conclusion

Both progressives and conservatives can point to the data here as an example of the success or failure of the first 100 days of regulatory policy. Progressives might note there have been no significant regulatory actions, other than an amendment to the Affordable Care Act and the delay of the Fiduciary Rule. Conservatives might applaud this lack of output as the whole point, one of the cornerstones of the Trump Administration's domestic policy. For those skeptical that there was going to be a profound difference between the regulatory records of President Obama and President Trump, the $7.6 billion difference in just the first 100 days should assuage those doubts.