



Press Release

The Department of Health and Human Services Proposes Sunsetting Its Regulations

ALLISON EDWARDS | NOVEMBER 4, 2020

The Department of Health and Human Services (HHS) today proposed a rule that would cause most of its regulations to expire unless HHS and its agencies review them every 10 years. If finalized, this rule would mark the first time a federal agency would add expiration dates to most of its regulations, writes AAF's Director of Regulatory Policy Dan Bosch. A federal agency sunsetting its own rules on the scale proposed by HHS would be novel, but the fate of this proposed rule depends on the outcome of the presidential election, he notes.

An excerpt:

The Regulatory Flexibility Act (RFA) contains a [provision](#) that requires agencies to analyze their rules to “determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact of the rules upon a substantial number of such small entities.” Despite this requirement, agencies largely do not conduct reviews because there is no consequence for failing to do so. The same is true of the many executive orders on retrospective review issued by past presidents.

[Read the analysis.](#)