



Week in Regulation

A Summer Lull

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The Federal Register made for some relatively light summer reading this past week. There were eight rulemakings with some measurable economic impact, but none had a quantifiable cost or savings estimate in excess of \$2 million. There was, however, some notable action on the presidential level, as noted in This Week's Regulatory Picture. Across all rulemakings, agencies published \$5.4 million in total net costs and added 296,038 hours of annual paperwork.

REGULATORY TOPLINES

- Proposed Rules: 49
- Final Rules: 79
- 2020 Total Pages: 44,994
- 2020 Final Rule Costs: -\$126.4 billion
- 2020 Proposed Rule Costs: \$7.5 billion

TRACKING THE REGULATORY BUDGET

There were no actions that moved the needle on the fiscal year (FY) 2020 regulatory budget this past week.

The Trump Administration expected to reach \$51.6 billion in cumulative net savings in [FY 2020](#). To date in the fiscal year, agencies have officially published 113 deregulatory actions and 37 regulatory actions, totaling \$171.2 billion in quantified total net cost savings.

THIS WEEK'S REGULATORY PICTURE

This week, the Trump Administration takes another try at excluding certain noncitizens from 2020 Census counts.

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Presidential Documents

Title 3—

The President

Memorandum of July 21, 2020

Excluding Illegal Aliens From the Apportionment Base Following the 2020 Census

Source: <https://www.aila.org/infonet/memorandum-apportionment-base-2020-census>

On July 21, President Trump issued a “Memorandum on Excluding Illegal Aliens From the Apportionment Base Following the 2020 Census.” The memorandum is the latest attempt by the administration to exclude those without a legal immigration status from being included in the population count used to apportion representatives in the House of Representatives. In June 2019, the U.S. Supreme Court struck [down](#) the inclusion of a citizenship question on the 2020 Census. The following month, the president issued [Executive Order 13,880](#), which directed “executive departments and agencies to share information with the Department of Commerce, to the extent permissible and consistent with law, to allow the Secretary to obtain accurate data on the number of citizens, non-citizens, and illegal aliens in the country.”

The memorandum states that it is the policy of the United States not to include individuals without a legal immigration status in the count of persons used to apportion the seats in the House. While the Constitution says that the census must count all persons living in the country, the administration says it does not specify who must be included in the “apportionment base,” thus giving it the discretion to exclude certain populations.

The action is certain to draw legal challenges, as the effect of excluding certain individuals from population counts for purposes of determining House seats has the effect of excluding people from the Census count entirely.

TOTAL BURDENS

Since January 1, the federal government has published \$118.9 billion in total net cost savings (with \$126.4 billion from finalized rules) and 152.8 million hours of net annual paperwork burden increases (with 134.7 million hours due to final rules). [Click here](#) for the latest Reg Rodeo findings.

Year

[Select All]

2020

2019

2018

2017

2016

2015

2014

2013

2012

2011

2010

2009

2008

2007

2006

2005

Total Number of
Regulations
Finalized

203

Total Finalized Cost

\$-126.4b

Paperwork Hours

134,719,158