Week in Regulation

A Very Slow Post-Holiday Week

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The pages of the Federal Register seemed to largely stay on vacation last week. The most significant rulemaking to come down the line was the Trump Administration's regulatory changes regarding "Apprehension, Processing, Care, and Custody of Alien Minors and Unaccompanied Alien Children." The handful of rules with quantitative cost-benefit analyses were all relatively minor. Between both proposed and final rules last week, agencies published roughly $20.6 million in net costs, and 7,394 hours of new paperwork. **The per capita regulatory burden for 2018 is *negative* $18.27**.

REGULATORY TOPLINES

- New Proposed Rules: 22
- New Final Rules: 35
- 2018 Total Pages of Regulation: 45,271
- 2018 Final Rules: -$6 Billion
- 2018 Proposed Rules: -$543.7 Billion

The joint proposed rulemaking from the Departments of Homeland Security and Health and Human Services primarily seeks to replace the regulatory framework established under a prior legal settlement (*Flores*) concerning how relevant agencies detain minors and families at the border. It comes in light of the substantial political controversy over the past year regarding the administration's detention practices – in particular, the separation of families during the process. While the agencies include some analysis of the estimated number of affected persons and cases (and the potential commensurate costs to the agencies), its cost-benefit analysis is largely qualitative. Interested parties have until November 6 to submit comments on the measure.

TRACKING REGULATORY MODERNIZATION

According to AAF analysis, since the start of FY 2018 (beginning Oct. 1, 2017), executive agencies have promulgated 53 deregulatory actions with quantified estimates against 12 regulatory measures, under the rubric created by EO 13,771 and the administration's subsequent guidance document on the matter. These rules combine for net annual savings of roughly $1.6 billion. This means that agencies have thus far surpassed the administration's cumulative goal for FY 2018 of $687 million in net annual savings by nearly $1 billion. According to earlier AAF projections based on the administration's latest Unified Agenda, agencies were on track to roughly double that goal. If this current trend holds, they may well exceed that expectation too.

Click here to view AAF's examination of the administration's progress under the "one-in, two-out" executive order through the end of Fiscal Year 2017.

STATE OF MAJOR OBAMA-ERA INITIATIVES

Based on total lifetime costs of the regulations, the ACA has imposed costs of $52.9 billion in final state and private-sector burdens and 176.9 million annual paperwork hours.

Since passage, the Dodd-Frank financial reform legislation has produced more than 82.9 million final paperwork burden hours and imposed $38.9 billion in direct compliance costs.

TOTAL BURDENS

Since January 1, the federal government has published $549.7 billion in net cost savings (with $6 billion in net savings from final rules) and paperwork burdens amounting to roughly 9.5 million hours (including 8.8 million hours of paperwork reduced under final rules). Click here for the latest Reg Rodeo findings.

