

President Trump Sins First Regulatory Disapproval in 16 Years

By: Daniel Pérez | February 15, 2017

The 115th Congress has wasted no time in exercising its powers under the Congressional Review Act ([CRA](#)) to eliminate regulations issued by federal agencies during the Obama administration. Currently, eight joint resolutions of disapproval have passed the House—two of which were delivered to the president for his signature on February 06, 2017. President Trump signed one of these into law on February 14, 2017. This marks the first time in 16 years since Congress has successfully used the CRA to eliminate a regulation.

As we've previously [discussed](#), the CRA includes several parliamentary mechanisms that allow Congress to nullify a regulation: 1) with only a simple majority in both houses of Congress and 2) with “fast track” provisions that prevent resolutions from being filibustered in the Senate. It is worth noting that, unless specifically authorized by Congress, disapproval under the CRA prohibits agencies from issuing future rules that are “substantially the same” as the disapproved rule. Until recently, only a single [rule](#) had been disapproved by Congress using the CRA.

In brief...

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Resolution of Disapproval Signed by the President

The bill signed by President Trump was House Joint Resolution 41 ([H.J. Res. 41](#)) This law disapproves a rule issued on July 27, 2016 by the Securities and Exchange Commission (SEC) titled “[Disclosure of Payments by Resource Extraction Issuers](#).” CRS [notes](#) that this rule was mandated under Dodd-Frank and required “resource extraction issuers to disclose payments made to governments for the commercial development of oil, natural gas, or minerals.”

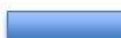

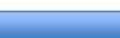

















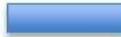







Bills Waiting for the President's Signature

The other bill that has been presented to the president is [H.J. Res. 38](#). This bill would disapprove a rule issued on December 20, 2016 by the Department of the Interior's (DOI) Office of Surface Mining Reclamation and Enforcement titled the “[Stream Protection Rule](#).” According to the Congressional Research Service (CRS), the [rule](#) addresses the impacts of surface coal mining operations on surface water, groundwater, and the productivity of mining operation sites. [Reports](#) indicate that the Trump

administration recently cancelled a scheduled visit to Ohio, where the president had planned to “sign the bill and deliver a speech.”

More Potential Disapprovals from Congress

The following is a list of all joint resolutions, to date, that have passed the House. Ultimately, the Trump administration’s deregulatory [agenda](#) combined with a Congress eager to rollback numerous Obama administration regulations may result in a historic use of the CRA.

Title	Rule	Passed House	Passed Senate	Sent to President	President’s Signature
Disclosure of Payments by Resource Extraction Issuers	3235-AL53				
Stream Protection Rule	1029-AC63				
Waste Prevention, Production Subject to Royalties, and Resource Conservation	1004-AE14				
Federal Acquisition Regulation; Fair Pay and Safe Workplaces	9000-AM81				
Implementation of the NICS Improvement Amendments Act of 2007	0960-AH95				
Resource Management Planning	1004-AE39				
Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act-Accountability and State Plans	1810-AB27				
Teacher Preparation Issues	1840-AD07	