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The Trump Administration and the Unified Agenda of Federal Regulatory and Deregulatory Actions

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Summary

Donald J. Trump promised that if he were elected President, he would instruct federal agencies to reduce their regulations significantly. As of late 2017, this deregulation was underway in agencies across the federal government.

One way for Congress and the public to be informed about this deregulatory activity is to consult the "Unified Agenda of Federal Regulatory and Deregulatory Actions." The Unified Agenda is a government-wide publication of rulemaking actions agencies expect to take in the coming months, and it contains both regulatory actions (i.e., new regulations) and deregulatory actions (i.e., reductions in or elimination of current regulations).

The Unified Agenda is typically published twice each year by the Regulatory Information Service Center (RISC), a component of the General Services Administration (GSA), for the Office of Management and Budget's (OMB's) Office of Information and Regulatory Affairs (OIRA). OIRA is the entity within OMB that has primary oversight responsibilities over most agencies' rulemaking activities. All entries in the Unified Agenda have uniform data elements that can be searched in an online database. Each entry includes information about the rule, including the department and agency issuing the rule, the title of the rule, the Regulation Identifier Number (RIN), an abstract of the action being taken, a timetable of past actions and a projected date for the next action, and information about the priority of the rule (e.g., whether it is "economically significant" or "major").

The Trump Administration's first Unified Agenda, which was issued on July 20, 2017, and was referred to by the Administration as the "Update to the 2017 Unified Agenda of Federal Regulatory and Deregulatory Actions," contains information on many deregulatory actions that the Trump Administration has undertaken so far. For example, the Agenda lists 469 actions that agencies have withdrawn since the previous (Fall 2016) edition of the Unified Agenda and 22 major and/or economically significant actions that were reclassified from "active" under the Barack Obama Administration to "long-term" under the Trump Administration. The 2017 Update lists a total of 58 economically significant "active" actions, as compared to 113 such actions that had been published in the Fall 2016 edition.

Notably, it also appears that the Unified Agenda could be an important source of information for another major regulatory development in the Trump Administration: the regulatory budget, which was announced in a memorandum issued by OIRA on September 7, 2017. The Trump Administration's regulatory budget will require the cost of most agencies' new regulations to remain below a regulatory cost cap, which OMB will set for each covered agency in each fiscal year. The tracking of agencies' implementation of this regulatory budget is expected to be tied to future editions of the Unified Agenda, beginning with the next edition.

This report provides an overview of the Unified Agenda, discusses the additional significance of the Unified Agenda in the Trump Administration, provides summary information about content of the 2017 Update, and discusses what additional information can be expected in the subsequent edition of the Agenda.

Contents

Overview of the Unified Agenda 2
Authorities for the Unified Agenda 2
Contents of the Unified Agenda 3
Significance of the Unified Agenda in the Trump Administration 4
New Developments: EO 13771 and Related Guidance 4
List of "Inactive" Rules Made Public 5
2017 Update Edition of the Unified Agenda: A Summary 6
Summary Statistics 7
Active Actions 8
Notable Active Actions 8
Withdrawn Actions 9
Notable Withdrawn Actions 11
Long-Term Actions 11
Notable Long-Term Actions 13
Forthcoming in Future Editions: Information on Agencies' Regulatory Budgets 14

Figures

Figure 1. Active Major and/or Economically Significant Rules By Agency 8
Figure 2. Agencies with Greatest Number of Withdrawn Actions 10
Figure 3. Withdrawn Actions by Rule Priority 10
Figure 4. Ten Agencies Listing Greatest Number of Long-Term Actions 12
Figure 5. Long-Term Actions by Rule Priority 12

Tables

Table 1. Summary Data on Rulemaking Actions in the Unified Agenda 7

Table A-1. List of Included Federal Entities 15
Table B-1. Active Major/Economically Significant Rules Listed in the 2017 Update Edition of the Unified Agenda 16

Appendixes

Appendix A. Glossary of Federal Entities 15
Appendix B. Active Major and/or Economically Significant Rulemaking Actions in the 2017 Update Edition of the Unified Agenda 16

Contacts

Author Information 27

Introduction

Donald J. Trump promised that if elected President, he would instruct federal agencies to reduce their regulations significantly. Because of certain federal rulemaking requirements, agencies must generally undertake rulemaking procedures when they are issuing new regulations *and* when they are changing or eliminating regulations.[1] In other words, a change to or elimination of a regulation that was previously issued generally has to go through a rulemaking process—the President or his agency heads cannot unilaterally change or eliminate regulations without following rulemaking procedures.[2] Such a rulemaking process typically requires the agency to issue a proposed rule, provide an opportunity for the public to provide comment, and then issue a final rule.[3] During the first year of the Trump Administration, this deregulation was underway in agencies across the federal government.

One way for Congress and the public to be informed about this deregulatory activity is to consult the "Unified Agenda of Federal Regulatory and Deregulatory Actions" (hereinafter Unified Agenda).[4] The Unified Agenda is a government-wide publication of rulemaking actions that agencies expect to take in the coming months, and it contains both regulatory actions (i.e., new regulations) and deregulatory actions (i.e., reductions in or elimination of current regulations).

The Trump Administration's first edition of the Unified Agenda, which was issued on July 20, 2017, and was referred to by the Administration as the "Update to the 2017 Unified Agenda of Federal Regulatory and Deregulatory Actions," contains information on many deregulatory actions that the Trump Administration has undertaken so far and intends to undertake in the coming months. The subsequent edition is expected to be issued in late 2017 and may contain more detailed information on the implementation of the Trump Administration's regulatory budget, which was announced on September 7, 2017, in addition to serving as an update on the deregulatory actions occurring across federal agencies.[5]

This report provides an overview of the Unified Agenda, discusses the additional significance of the Unified Agenda in the Trump Administration, provides summary information about the first

[1] The Administrative Procedure Act (APA; 5 U.S.C. §551(5)) defines "rulemaking" as the "agency process for formulating, *amending, or repealing* a rule" (emphasis added).

[2] For an overview of the federal rulemaking process, see CRS Report RL32240, *The Federal Rulemaking Process: An Overview*, coordinated by Maeve P. Carey. See also CRS Insight IN10611, *Can a New Administration Undo a Previous Administration's Regulations?*, by Maeve P. Carey, and CRS Legal Sidebar WSLG1697, *With the Stroke of a Pen: What Executive Branch Actions Can President-elect Trump "Undo" on Day One?*, by Todd Garvey.

[3] Although the APA generally requires agencies to publish a proposed rule before promulgating a final rule, the act provides several exceptions to this requirement. For example, the agency may forgo notice and comment procedures when the agency finds, for "good cause," that those procedures are "impracticable, unnecessary, or contrary to the public interest" (5 U.S.C. §553(b)(3)(B)). The APA also provides explicit exceptions to notice and comment requirements for certain categories of regulatory actions, such as rules dealing with military or foreign affairs; agency management or personnel; or public property, loans, grants, benefits, or contracts (5 U.S.C. §553(a)). Further, the APA exempts from notice and comment agency guidance documents, including interpretative rules and general statements of policy, and rules of agency organization, procedure, or practice (5 U.S.C. §553(b)(3)(A)).

[4] The Trump Administration's first edition of the Unified Agenda is available at https://www.reginfo.gov/public/do/eAgendaMain.

[5] The regulatory budget had been alluded to in earlier documents issued by the Trump Administration, including Executive Order 13771, which is discussed below. However, the September memorandum introduced more detail about the budget than had been provided previously. See Memorandum from Neomi Rao, Administrator, Office of Information and Regulatory Affairs, to regulatory reform officers at executive departments and agencies, "FY2018 Regulatory Cost Allowances," September 7, 2017, at https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2017/FY%202018%20Regulatory%20Cost%20Allowances.pdf.

edition of the Unified Agenda released by the Trump Administration, and discusses what additional information can be expected in the subsequent edition of the Agenda.

Overview of the Unified Agenda

The Unified Agenda is typically published twice each year by the Regulatory Information Service Center (RISC), a component of the General Services Administration (GSA), for the Office of Management and Budget's (OMB's) Office of Information and Regulatory Affairs (OIRA). OIRA is the entity within OMB that has primary oversight responsibilities over most agencies' rulemaking activities.[6]

Authorities for the Unified Agenda

The Unified Agenda helps agencies fulfill two transparency requirements. First, Section 602 of the Regulatory Flexibility Act (RFA) requires that all agencies publish semiannual regulatory agendas in the *Federal Register* describing regulatory actions that they are developing that may have a significant economic impact on a substantial number of small entities.[7] The RFA also requires that agencies "endeavor to provide notice" of the regulatory agendas to small entities and "invite comments upon each subject area on the agenda."[8]

Second, Section 4 of Executive Order 12866 on "Regulatory Planning and Review" requires that all agencies, including independent regulatory agencies, "prepare an agenda of all regulations under development or review."[9] The stated purposes of this and other planning requirements in the order are, among other things, to "maximize consultation and the resolution of potential conflicts at an early stage" and to "involve the public and its State, local, and tribal officials in regulatory planning." The executive order also requires that each agency prepare, as part of the fall edition of the Unified Agenda, a "regulatory plan" of the most important significant regulatory actions that the agency reasonably expects to issue in proposed or final form during the upcoming fiscal year.

Neither of these requirements contains a penalty for issuing a proposed or final rule without having first provided notice of the rule in the Unified Agenda, and some prospective regulatory actions listed in the Unified Agenda are never finalized.[10]

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[6] For more information about the role of OIRA, see CRS Report RL32397, *Federal Rulemaking: The Role of the Office of Information and Regulatory Affairs*, coordinated by Maeve P. Carey.

[7] 5 U.S.C. §602. "Small entities" are defined in the RFA to include small businesses, small organizations such as certain nonprofits, and municipalities (5 U.S.C. §601). The RFA applies to all agencies covered by the APA (5 U.S.C. §551(1)), which includes independent regulatory agencies.

Although the RFA requires agencies to publish this information in April and October, the Unified Agenda has typically been published within a few months of, but rarely during, April and October.

[8] 5 U.S.C. §602(c).

[9] Executive Order 12866, "Regulatory Planning and Review," 58 *Federal Register* 51735, October 4, 1993.

Although most of the requirements in this executive order, such as OMB review of proposed and final rules, do not apply to independent regulatory agencies (e.g., the Securities and Exchange Commission and Federal Reserve Board), the section of the order requiring publication of rulemaking activities in the Unified Agenda does apply to them.

[10] Some Members of Congress have introduced legislation that would add to these current requirements for the Unified Agenda. In the 115th Congress, to date, those bills include H.R. 1009, the OIRA Insight, Reform, and Accountability Act, and its Senate companion, S. 676; S. 56, the Regulations Endanger Democracy Act of 2017 (also referred to as the RED Tape Act of 2017); and H.R. 2623, the Lessening Regulatory Costs and Establishing a Federal Regulatory Budget Act of 2017.

Contents of the Unified Agenda

The Unified Agenda lists upcoming activities, by agency, in four separate categories:

1. "active" actions, including rules in the *prerule* stage (e.g., advance notices of proposed rulemaking or other preliminary regulatory actions that are expected to be taken in the next 12 months); *proposed* rule stage (i.e., notices of proposed rulemaking that are expected to be issued in the next 12 months, or for which the closing date of the comment period is the next step); and *final* rule stage (i.e., final rules or other final actions that are expected to be taken in the next 12 months);
2. "completed" actions (i.e., final rules that have been promulgated or rules that have been withdrawn from the Unified Agenda since the Fall 2016 edition because agencies are no longer actively working on them);
3. "long-term" actions (i.e., items under development that agencies do not expect to take action on in the next 12 months); and
4. "inactive" actions, a category of rules that was created during the Obama Administration and was not visible to the public.

All entries in the first three categories listed above have uniform data elements that are searchable in a database.[11] The searchable data elements typically include the department and/or agency issuing the rule, the title of the rule, the Regulation Identifier Number (RIN),[12] an abstract of the action being taken, and a timetable of past actions and a projected date (sometimes just the projected month and year) for the next regulatory action. Each entry also indicates the priority of the regulation (e.g., whether it is considered "economically significant" under Executive Order 12866, or whether it is considered a "major" rule under the Congressional Review Act), and other characteristics that agencies are required to identify when issuing regulations (e.g., whether the rule has federalism implications or international impacts).[13]

At present, the Unified Agenda does not have a data element to separate deregulatory actions from regulatory actions. In many cases, the abstract states or implies whether the action is deregulatory in nature. In part, the lack of such a data element may be because agencies are

[11] The fourth category is not searchable within the database on Reginfo.gov, unlike the active, completed, and long-term categories. The "inactive" category, which is discussed in more depth below (see "List of "Inactive" Rules Made Public"), was provided in the 2017 Update as a pdf document listing the actions, at https://www.reginfo.gov/public/jsp/eAgenda/InactiveRINs_2017_Agenda_Update.pdf.

[12] RINs are assigned by RISC, and the Office of Management and Budget has asked agencies to include RINs in the headings of their rulemaking documents when they are published in the *Federal Register* to make it easier for the public and agency officials to track the publication history of regulatory actions. For a copy of this memorandum, see http://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/IncreasingOpenness_04072010.pdf.

[13] Section 3(f) of Executive Order 12866 defines a "significant" regulatory action as one that is likely to result in a rule that may "(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order." Regulatory actions meeting the first of these four criteria are considered "economically significant."

The definition of a "major" rule under the Congressional Review Act (5 U.S.C. §804) is similar to the definition of "economically significant," since both definitions are triggered if a rule has, among other things, a $100 million effect on the economy.

reviewing previous regulatory actions and are not yet clear whether a deregulatory action will follow. According to OIRA Administrator Neomi Rao, the forthcoming editions of the Unified Agenda may have a different classification system, allowing agencies to indicate which items are regulatory and which are deregulatory.[14]

As will be discussed later in this report, future editions of the Unified Agenda may also include information about agencies' compliance with and implementation of the Trump Administration's regulatory budget, which OIRA announced in September 2017.

Significance of the Unified Agenda in the Trump Administration

Developments in the Trump Administration have led to two notable aspects of the "Update" edition of the Unified Agenda, which was issued on July 20, 2017. First, the focus on deregulation makes the Unified Agenda particularly valuable for tracking agency deregulatory activity. Second, the Trump Administration made public an additional list of regulations that had been established during the Obama Administration and had previously not been published.

New Developments: EO 13771 and Related Guidance

As mentioned previously, no penalty exists for issuing a rule without having first published it in the Unified Agenda. However, it appears that the Trump Administration may be placing a new emphasis on the importance of preceding a regulatory action by an entry in the Agenda.

One criticism that has been raised in the past about the Unified Agenda is that many rulemaking actions that agencies took had not been preceded by an entry in the Agenda.[15] EO 13771, which President Trump signed on January 30, 2017, contained the following provisions pertaining to publication of rules in the Unified Agenda:

> Each regulation approved by the Director during the Presidential budget process shall be included in the Unified Regulatory Agenda required under Executive Order 12866, as amended, or any successor order.
>
> Unless otherwise required by law, no regulation shall be issued by an agency if it was not included on the most recent version or update of the published Unified Regulatory Agenda as required under Executive Order 12866, as amended, or any successor order, unless the issuance of such regulation was approved in advance in writing by the Director [of OMB].[16]

[14] Cheryl Bolen, "Spring Regulatory Agenda Marks Start of Agency Deregulation," *Bloomberg BNA*, July 20, 2017, at https://www.bna.com/spring-regulatory-agenda-n73014461976/.

[15] For a discussion of these criticisms, see Curtis W. Copeland, *The Unified Agenda: Proposals for Reform*, report prepared for the Administrative Conference of the United States, April 13, 2015, pp. 11-14, at https://www.acus.gov/sites/default/files/documents/Unified%20Agenda%20Draft%20Report%20041315%20FINAL_0.pdf (hereinafter ACUS Unified Agenda Report).

These criticisms have sometimes resulted in legislative proposals that would strengthen the requirement for publication in the Unified Agenda prior to issuance. For example, H.R. 2623 would prohibit issuance of a significant regulatory action if the action was not included in the most recent version of the Unified Agenda, unless otherwise approved by OMB.

[16] Executive Order 13771, "Reducing Regulation and Controlling Regulatory Costs," 82 *Federal Register* 9339, February 3, 2017, §§ 3(b) and 3(c).

On April 5, 2017, OIRA issued guidance on implementation of EO 13771, which further emphasized the requirement for publishing regulatory and deregulatory actions in the Unified Agenda.[17] Specifically, the guidance stated that "the agency's Unified Agenda of Regulatory and Deregulatory Actions should reflect compliance with the [one-in, two-out] requirements of EO 13771, and should include, to the extent practicable, EO 13771 deregulatory actions that ... are sufficient to offset those actions appearing in the Agenda that are or are expected to result in EO 13771 regulatory actions."[18] In other words, OMB is requiring agencies to include in their submissions for the Unified Agenda the cost offsets of any new regulations they expect to issue.[19] This was also stated in OMB's call for data for the 2017 Update to the Unified Agenda, which stated that "in order to facilitate the fiscal year 2018 regulatory budget planning process we are requesting that your spring 2017 submissions include a preliminary estimate of the total costs or savings associated with each of your planned fiscal year 2018 significant regulatory actions and offsetting deregulatory actions."[20]

Independent regulatory agencies, which are listed statutorily in the Paperwork Reduction Act and historically have not been covered by rulemaking requirements imposed by the President and OMB, are not required to follow Executive Order 13771.[21] OMB's guidance on the order encourages those agencies, however, to voluntarily "identify existing regulations that, if repealed or revised, would achieve cost savings that would fully offset the costs of significant regulatory actions while continuing to meet the agency's statutory obligations."[22]

As will be discussed later in this report, it also appears that future editions of the Unified Agenda may contain information about the Trump Administration's regulatory budget.[23]

List of "Inactive" Rules Made Public

In April 2015, the Administrative Conference of the United States (ACUS)[24] shed light on a practice that had developed under the Obama Administration in which the Unified Agenda

[17] Memorandum from Dominic J. Mancini, Acting Administrator, Office of Information and Regulatory Affairs, to regulatory policy officers at executive departments and agencies and managing and executive directors of certain agencies and commissions, "Guidance Implementing Executive Order 13771, Titled 'Reducing Regulation and Controlling Regulatory Costs'," April 5, 2017, at https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2017/M-17-21-OMB.pdf (hereinafter "OMB Guidance on Executive Order 13771").

[18] Ibid., pp. 15-16.

[19] The one-in, two-out requirement is established in two parts of Executive Order 13771. First, section 2(a) requires that "whenever an executive department or agency (agency) publicly proposes for notice and comment or otherwise promulgates a new regulation, it shall identify at least two existing regulations to be repealed." Second, section 2(c) states that "any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least two prior regulations."

[20] Memorandum from Dominic J. Mancini, Acting Administrator, Office of Information and Regulatory Affairs, to regulatory policy officers at executive departments and agencies and managing and executive directors of certain agencies and commissions, "Spring 2017 Data Call for the Unified Agenda of Federal Regulatory and Deregulatory Actions," March 2, 2017, at https://www.whitehouse.gov/sites/whitehouse.gov/files/briefing-room/presidential-actions/related-omb-material/spring_2017_unified_agenda_data_call.pdf.

[21] The list of independent regulatory agencies is at 44 U.S.C. §3502(5). For more information about independent regulatory agencies, see CRS Report R42821, *Independent Regulatory Agencies, Cost-Benefit Analysis, and Presidential Review of Regulations*, by Maeve P. Carey and Michelle D. Christensen.

[22] OMB Guidance on Executive Order 13771, p. 9.

[23] See section below entitled "Forthcoming in Future Editions: Information on Agencies' Regulatory Budget."

[24] ACUS is an independent agency whose purpose is, among other things, to "study the efficiency, adequacy, and fairness of the administrative procedure used by administrative agencies in carrying out administrative programs, and make recommendations to administrative agencies, collectively or individually, and to the President, Congress, or the

contained an additional category of regulations ("pending") that was not visible to the public.[25] That category appears to have been created in 2011. Around that time, it appears that OIRA informally asked agencies to remove rules from the Unified Agenda that were not actively being considered for issuance. But as the ACUS report explained, if an agency were to remove a rule from the Unified Agenda and then resume work on the rule at a later time, the agency would be required to obtain a new RIN.[26] A RIN is a unique identifier that allows interested parties to track a rule over its development; thus, having more than one RIN associated with a particular rule could lead to confusion among individuals and entities that are tracking a specific regulation.

In an apparent effort to accommodate those concerns, OIRA and RISC created the category of "pending" rules, which would allow the rules to remain in the Unified Agenda database but make them invisible to public users of the database.[27] ACUS recommended in June 2015 that "Federal agencies should not keep regulations that are still under active development in a 'pending' category. The 'pending' category should be included in the published Unified Agenda. OIRA should define the criteria distinguishing between 'long term' and 'pending' actions."[28]

When issuing the 2017 Update to the Unified Agenda, the Trump Administration decided to make the list of "pending" rules public.[29] Upon release of the Agenda, OMB Director Mick Mulvaney stated, "We will not have a hidden list of regulations that we're thinking about doing, but we're not going to tell you about."[30] The list of "pending" rules, which are now being referred to as "inactive," is posted on OIRA's website along with the rest of the Agenda. ACUS commended the action on its website.[31]

2017 Update Edition of the Unified Agenda: A Summary

This section provides an overview of the content of 2017 Update edition of the Unified Agenda, including information on active, withdrawn, and long-term actions listed.[32] The first section

Judicial Conference of the United States, in connection therewith, as it considers appropriate." 5 U.S.C. §594(1).

[25] ACUS Unified Agenda Report, at https://www.acus.gov/sites/default/files/documents/Unified%20Agenda%20Draft%20Report%20041315%20FINAL_0.pdf.

[26] Ibid., p. 39.

[27] Some observers have noted that the timing of these attempts to reduce the number of visible Unified Agenda entries in 2011 notably coincided with the upcoming 2012 election. OMB Director Mick Mulvaney, for example, stated the following about the "pending" list: "They thought it would be bad for their re-election prospects in 2012, so they created a secret list of regs that were not disclosed." See Cheryl Bolen, "From the Old and Cold Files: Obama's 'Secret' List," *Bloomberg BNA*, July 20, 2017, at https://www.bna.com/old-cold-files-b73014462031/.

[28] Administrative Conference of the United States, "Adoption of Recommendation," 80 *Federal Register* 36758, June 26, 2015.

[29] The list of these rules is available at https://www.reginfo.gov/public/jsp/eAgenda/InactiveRINs_2017_Agenda_Update.pdf.

[30] Cheryl Bolen, "From the Old and Cold Files: Obama's 'Secret' List," *Bloomberg BNA*, July 20, 2017, at https://www.bna.com/old-cold-files-b73014462031/.

[31] Todd Rubin, "Unified Regulatory Agenda Change Accords with ACUS Recommendation," blog post for the Administrative Conference of the United States, September 8, 2017, at https://www.acus.gov/newsroom/administrative-fix-blog/unified-regulatory-agenda-change-accords-acus-recommendation.

[32] This section does not include data on the "inactive" rulemaking actions included in the 2017 Update because those actions were presented in a separate list in pdf form, rather than having been presented in the searchable portion of the database on Reginfo.gov.

below provides summary statistics on the entries listed in the 2017 Update. Examples are then provided for each type of action. Examples were selected based on their significant financial or material impact on the economy (i.e., they were designated as major and/or economically significant rules).[33] The examples in each section are further categorized as follows:

- **Small business impact.** Actions that may significantly affect small businesses, governmental jurisdictions, or organizations such as nonprofits. The RFA generally requires agencies to assess the impact of their regulations on these various small entities.[34]
- **Unfunded mandates.** Actions that may result in expenditures that exceed $100 million in one year by state, local, and tribal governments (in aggregate) or the private sector. The Unfunded Mandates Reform Act of 1995 generally requires agencies to assess the anticipated costs and benefits of actions that are expected to exceed the $100 million threshold.[35]
- **Reclassified.** Long-term actions that had been classified as active actions in past editions of the Unified Agenda.

Summary Statistics

The 2017 Update includes a total of 3,521 rulemaking actions—1,731 active, 1,094 completed, and 696 long-term. Withdrawn actions comprised 469, or 13%, of the total number of actions..

Table 1 provides summary-level data on rulemaking actions included in the 2017 Update.

Table 1. Summary Data on Rulemaking Actions in the Unified Agenda

Rulemaking Action	Count (#)	Count (% of total)
Active		
Prerule stage	107	3%
Proposed rule stage	834	24%
Final rule stage	790	22%
Active Subtotal	**1,731**	**49%**
Completed		
Withdrawn	469	13%
Other	625	18%
Completed Subtotal	**1,094**	**31%**
Long-term		
Long-term	696	20%
Long-term Subtotal	**696**	**20%**
Total	**3,521**	**100%**

[33] Major rules are defined in the Congressional Review Act at 5 U.S.C. §804(2). Economically significant rules include those that, as defined in Executive Order 12866, will have an annual effect on the economy of $100 million or more, or will adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments and communities.

[34] 5 U.S.C. §§601-612.

[35] 2 U.S.C. §§1532-1538.

Source: CRS, using information provided in the 2017 Update to the Unified Agenda of Federal Regulatory and Deregulatory Actions.

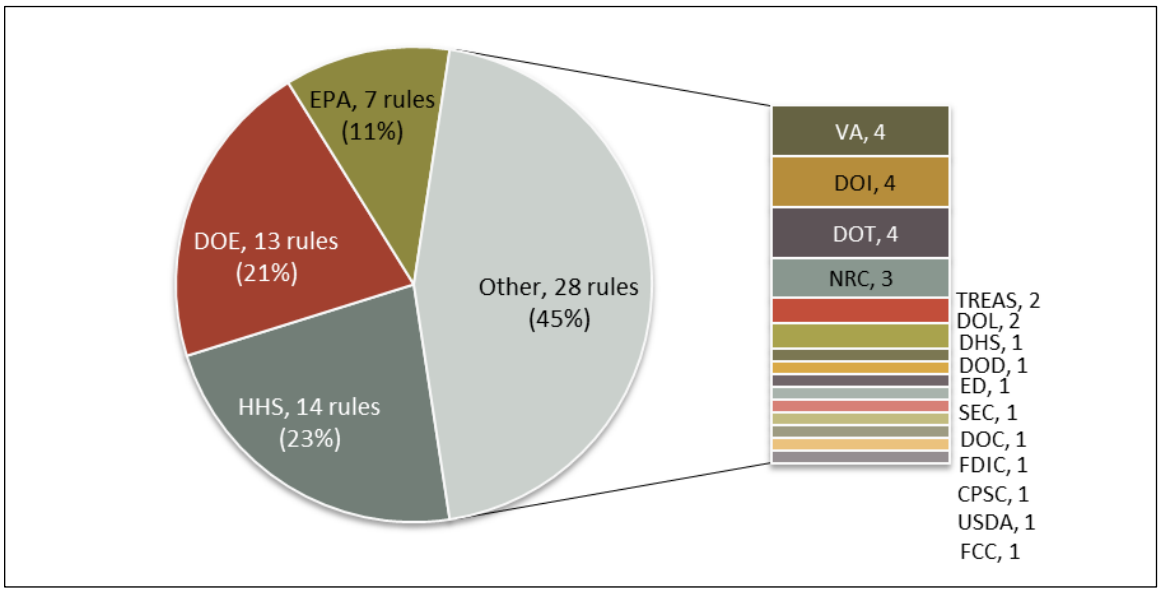
Notes: The "Other" category contains rulemaking actions that agencies finalized since the Fall 2016 edition of the Unified Agenda.

The sections below further analyze active, withdrawn, and long-term actions listed in the 2017 Update, including examples of rules listed by federal entities. **Appendix A** contains a glossary of federal entities discussed in this section.

Active Actions

Sixty-two of the 1,731 active actions included in the 2017 Update are considered major and/or economically significant—5 in the "prerule" stage, 26 in the "proposed rule" stage, and 31 in the "final rule" stage. Five actions explicitly state that they are rescinding rules or proposing to delay implementation. Three agencies listed over half (55%) of the active major and/or economically significant actions—HHS, DOE, and the EPA. The remaining 28 actions were listed across 15 agencies (**Figure 1**).

Figure 1. Active Major and/or Economically Significant Rules By Agency



Source: CRS graphic representation of data elements provided in the 2017 Update of the Unified Agenda.

Notes: The pie chart depicts the percentage of major and/or economically significant rules by agency. The bar chart depicts the raw number of rules by each agency included in the "Other" category.

Notable Active Actions

Below are examples of major and/or economically significant active actions included in the 2017 Update that fall into the "small business impact" or "unfunded mandates" categories described above. **Appendix B** provides more details on each of the 62 rules, including the title, abstract, and authorizing statutes.

Small Business Impact

Six major and/or economically significant active actions are expected to significantly impact small entities and trigger the requirements of the RFA:

1. DOT/FTA, "Protecting Transit Workers From the Risk of Assaults";
2. DOC/PTO, "Setting and Adjusting Patent Fees During Fiscal Year 2017";
3. DOL, "Tip Regulations Under the Fair Labor Standards Act (FLSA)";
4. HHS/CMS, "Policy and Technical Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Programs for Contract Year 2019";
5. HHS/CMS, "CY 2018 Updates to the Quality Payment Program"; and
6. HHS/CMS, "Advancing Care Coordination Through Episode Payment Models (EPMs)."

Unfunded Mandates

Eleven major and/or economically significant active actions are expected to result in expenditures that exceed $100 million in one year by state, local, and tribal governments (in aggregate) or the private sector. Examples include the following:

- DOE, "Energy Conservation Standards for Residential Non-Weatherized Gas Furnaces and Mobile Home Gas Furnaces";[36]
- DOE, "Convention on Supplementary Compensation for Nuclear Damage Contingent Cost Allocation";
- DOL/EBSA, "Revision of the Form 5500 Series and Implementing Related Regulations Under the Employee Retirement Income Security Act of 1974 (ERISA)";
- EPA, "Renewable Fuel Volume Standards for 2018 and Biomass Based Diesel Volume (BBD) for 2019"; and
- EPA, "Formaldehyde Emission Standards for Composite Wood Products."

Withdrawn Actions[37]

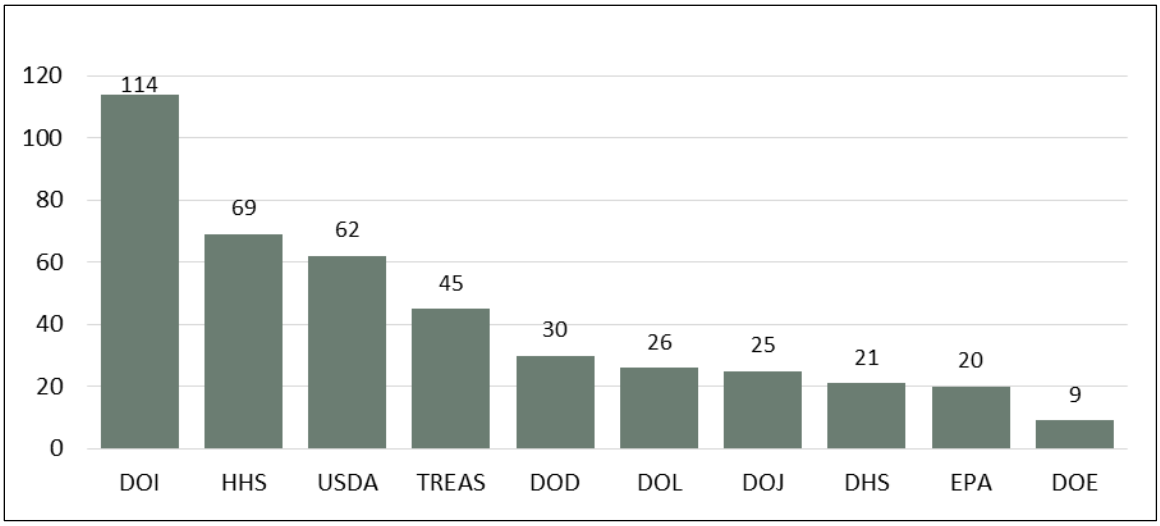
The 2017 Update includes 469 rulemaking actions that were withdrawn since the Fall 2016 edition spanning 27 departments, agencies, and government corporations. Ten agencies accounted for 429, or 91%, of the withdrawn actions listed, with each of the agencies having withdrawn between 9 and 114 actions (**Figure 2**). DOI withdrew the greatest amount of actions in both actual numbers (114) and percentage of total withdrawn actions (24%), followed by HHS (69) and USDA (62). By contrast, three agencies each withdrew one action—FERC, FRS, and USAID.[38]

[36] DOE listed five additional rulemaking actions regarding energy conservation standards that are expected to exceed the $100 million threshold.

[37] This section focuses on the withdrawn actions rather than all "completed" actions because the withdrawn actions were highlighted in the preamble to the 2017 Update, as well as providing a potentially significant mechanism for achieving the Trump Administration's stated objective of deregulation. Furthermore, many of the other completed actions reported in the Agenda would have been finalized by the Obama Administration, which is beyond the scope of this report.

[38] According to the 2017 Update, five agencies each withdrew one rule—FERC, FRS, GSA, USAID, and the Federal Acquisition Regulation (FAR). The FAR is not a recognized agency in the *United States Code*; rather, this entry refers to a rule that was jointly listed by DOD, GSA, and NASA. CRS designated GSA as the listing agency for both the GSA rule (RIN 3090-AJ66) and FAR rule (RIN 9000-AM39) in this report due to GSA's Regulatory Secretariat Division, which appears to manage *Federal Register* notices related to the FAR.

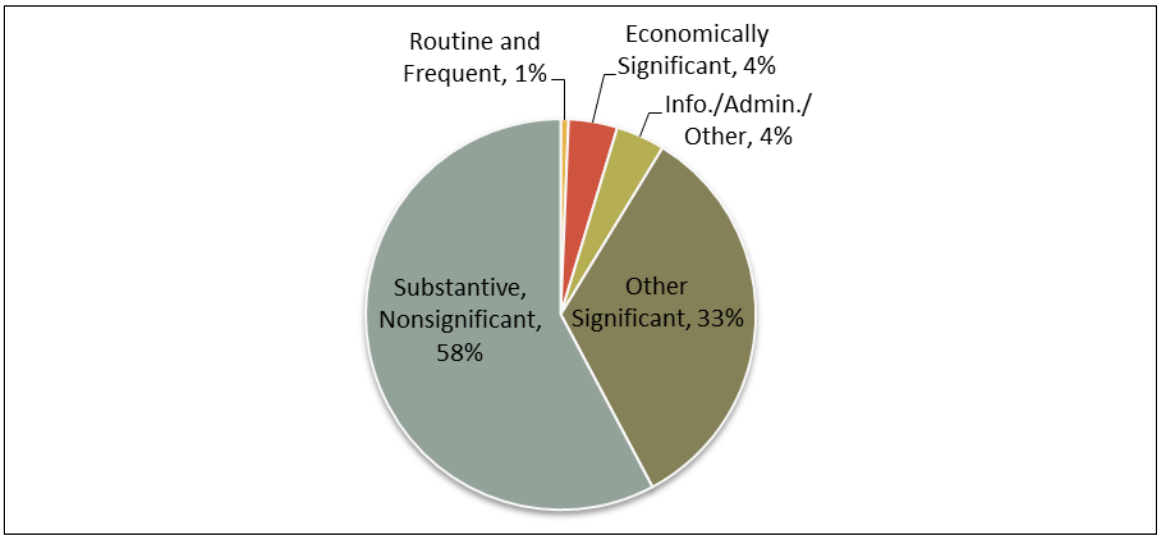
Figure 2. Agencies with Greatest Number of Withdrawn Actions



Source: CRS graphic representation of data elements provided in the 2017 Update of the Unified Agenda.

Figure 3 depicts withdrawn actions by "rule priority," defined in the preamble to the Unified Agenda as "an indication of the significance of a regulation." There are five rule priority levels listed in the Unified Agenda: Economically Significant; Other Significant; Substantive, Nonsignificant; Routine and Frequent; and Info./Admin./Other. Approximately 58% of withdrawn actions were classified as "Substantive, Nonsignificant."[39] Actions classified as "Routine and Frequent" and "Info./Admin./Other," the two lowest priority levels, together comprised a fairly low percentage (5%) of withdrawn actions. Four percent of withdrawn actions were economically significant—the highest rule priority level.

Figure 3. Withdrawn Actions by Rule Priority



Source: CRS graphic representation of data elements provided in the 2017 Update of the Unified Agenda.

[39] "Substantive, Nonsignificant" rules are those that are expected to have "substantive impacts," but do not rise to the level of requiring review by OIRA under Executive Order 12866.

Notable Withdrawn Actions

Below are examples of major and/or economically significant withdrawn actions included in the 2017 Update that fall into the "small business impact" or "unfunded mandates" categories described above.

Small Business Impact

Seven major and/or economically significant withdrawn actions may have substantially impacted small entities and triggered the requirements of the RFA:

1. HHS/FDA, "Suspension of Food Facility Registration";
2. HHS/FDA, "Patient Medication Information";
3. HHS/CMS, "Adoption of Operating Rules for HIPAA Transactions";
4. HHS/CMS, "Post-Eligibility Treatment of Income, Appeal Processes for Medicaid, and Other Provisions Related to Eligibility and Enrollment for Medicaid and CHIP";
5. HHS/CMS, "Requirements for Surety Bonds for Certain Medicare Providers and Suppliers";
6. HHS/CMS, "Part B Drug Payment Model"; and
7. DOL/OSHA, "Occupational Exposure to Styrene."

Unfunded Mandates

Three withdrawn actions had been expected to result in expenditures that exceed $100 million in one year by state, local, and tribal governments (in aggregate) or the private sector:

1. HHS/CMS, "Imaging Accreditation";
2. HHS/FDA, "Requirements for the Testing and Reporting of Tobacco Product Constituents, Ingredients, and Additives"; and
3. HHS/FDA, "Amendments to the Current Good Manufacturing Practice Regulations for Finished Pharmaceuticals—Components."

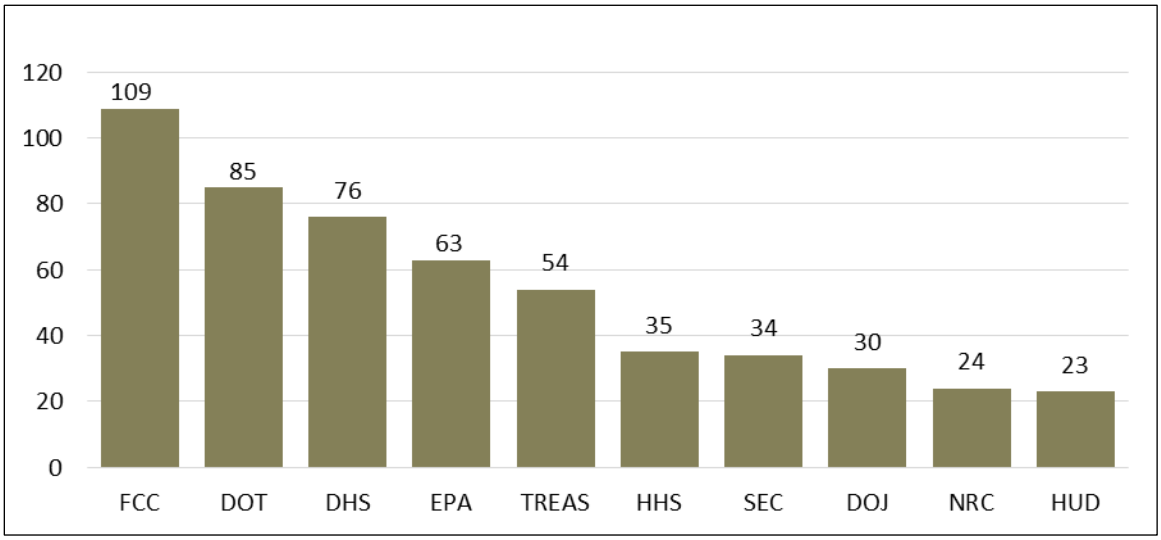
Long-Term Actions

The 2017 Update includes 696 long-term rulemaking actions spanning 36 departments, agencies, and government corporations.[40] Entries from 10 agencies comprised 533, or 78%, of the long-term actions listed, ranging from 23 to 109 actions per agency (**Figure 4**). The FCC listed the largest portion of long-term actions in both actual numbers (109) and percentage of total long-term actions (16%), followed by DOT (85) and DHS (76). By contrast, seven agencies each listed one long-term action—AMBC, FCA, OPM, NRLB, GSA, SSA, and FMC.[41]

[40] The 2017 Update includes 696 long-term actions listed by a total of 37 agencies. The 2017 Update lists the FAR as an agency that listed one long-term action (RIN 9000-AM39). The rule, however, was jointly issued by DOD, GSA, and NASA. CRS designated GSA as the listing agency for that rule for the purposes of this report. See footnote 38 for more information.

[41] Ibid.

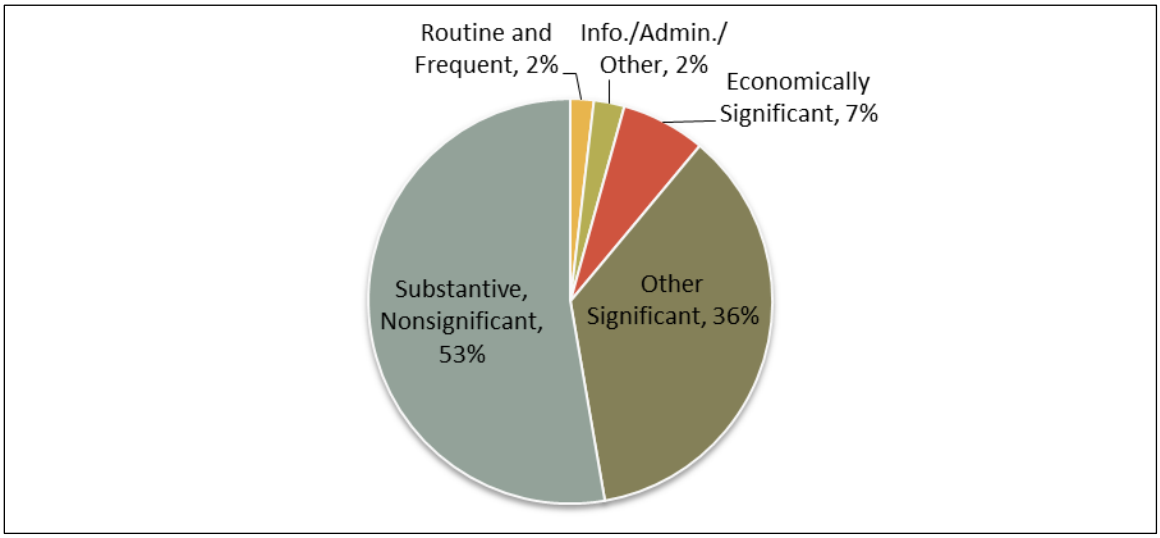
Figure 4. Ten Agencies Listing Greatest Number of Long-Term Actions



Source: CRS graphic representation of data elements provided in the 2017 Update of the Unified Agenda.

Figure 5 depicts long-term actions by rule priority. Similarly to the withdrawn actions, "Substantive, Nonsignificant" actions comprised the largest portion (53%), and "Routine and Frequent" and "Info./Admin./Other" actions, together, comprised a small portion (4%), of long-term actions included in the 2017 Update. Notably, 22 of the major and/or economically significant long-term actions had been previously classified as active actions in the Fall 2016 edition. This change suggests the Trump Administration is reducing the significance of those actions.

Figure 5. Long-Term Actions by Rule Priority



Source: CRS graphic representation of data elements provided in the 2017 Update of the Unified Agenda.

Notable Long-Term Actions

Below are examples of major and/or economically significant long-term actions included in the 2017 Update that fall into the "small business impact," "unfunded mandates," or "reclassified" categories described above.

Small Business Impact

Six major and/or economically significant long-term actions may significantly impact small entities and trigger the requirements of the RFA:

1. HHS/CMS, "Hospital and Critical Access Hospital (CAH) Changes to Promote Innovation, Flexibility, and Improvement in Patient Care";
2. HHS/CMS, "Revisions to Requirements for Discharge Planning for Hospitals, Critical Access Hospitals, and Home Health Agencies";
3. HHS/CMS, "Program Integrity Enhancements to the Provider Enrollment Process";
4. DOT/NHTSA, "Retroreflective Tape for Single Unit Trucks";
5. DOT/FAA, "Requirements to File Notice of Construction of Meteorological Evaluation Towers and Other Renewable Energy Projects"; and
6. STATE, "Exchange Visitors: Camp Counselors."

Unfunded Mandates

Eight major and/or economically significant long-term actions are expected to result in expenditures that exceed $100 million in one year by state, local, and tribal governments (in aggregate) or the private sector:

1. DOE, "Energy Conservation Standards for Manufactured Housing";
2. HHS/FDA, "Updated Standards for Labeling of Pet Food";
3. DHS, "Collection of Alien Biometric Data Upon Exit From the United States at Air and Sea Ports of Departure";
4. DHS, "Ammonium Nitrate Security Program";
5. DHS/CBP, "Importer Security Filing and Additional Carrier Requirements";
6. DHS/TSA, "General Aviation Security and Other Aircraft Operator Security";
7. EPA, "National Primary Drinking Water Regulations: Radon"; and
8. EPA, "Accidental Release Prevention Requirements: Risk Management Programs under the Clean Air Act."

Reclassified Actions

Twenty-two long-term actions had previously been classified as in the prerule, proposed, or final rulemaking stages in the Fall 2016 edition. Examples include the following:

- DHS/CBP, "Implementation of the Guam-CNMI Visa Waiver Program";
- DOE, "Fossil Fuel-Generated Energy Consumption Reduction for New Federal Buildings and Major Renovations of Federal Buildings";
- DOT/NHTSA, "Passenger Car and Light Truck Corporate Average Fuel Economy Standards MYs 2022-2025";

- EPA, "Water Resources Reform Development Act Farm Amendments to the Spill Prevention Control and Countermeasures Rule";
- HHS/FDA, "Postmarketing Safety Reporting Requirements for Human Drug and Biological Products"; and
- TREAS, "Assessment of Fees for Large Bank Holding Companies and Nonbank Financial Companies Supervised by the Federal Reserve to Cover the Expenses of the Financial Research Fund."

Forthcoming in Future Editions: Information on Agencies' Regulatory Budgets

As discussed above, Executive Order 13771 and subsequent instructions and guidance from OMB indicate that the Trump Administration intends to tie the tracking of agency progress on deregulation with the process of issuing the Unified Agenda and regulatory plans, as the agencies are required to identify offsets for new regulations in the corresponding Unified Agenda entry.

It appears that future editions of the Unified Agenda also could contain information on agencies' implementation of their regulatory budgets.[42] The regulatory budgets are essentially cost caps for each agency's *new* regulations, and the caps are to be set by OMB for each agency and each fiscal year. The Trump Administration first instituted the cost caps in Executive Order 13771, in which the Administration instructed federal agencies to have a regulatory cost cap of zero for the remainder of FY2017.[43] For each fiscal year thereafter, the order stated that agencies will be allowed a "total amount of incremental costs" for "issuing new regulations and repealing regulations for the next fiscal year."[44]

On September 7, 2017, OIRA Administrator Neomi Rao instructed covered agencies to propose a net reduction in total incremental regulatory costs for FY2018 and stated that the total final incremental cost allowances would be published in conjunction with the Fall 2017 Unified Agenda.[45] Thus, forthcoming editions of the Unified Agenda may contain further information about the Trump Administration's implementation of its regulatory budget.

[42] For an overview of the regulatory budget, see Ted Gayer, Robert Litan, and Philip Wallach, *Evaluating the Trump Administration's Regulatory Reform Program*, Brookings Institution Center on Regulation and Markets, Washington, DC, October 2017, at https://www.brookings.edu/wp-https://www.brookings.edu/research/evaluating-the-trump-administrations-regulatory-reform-program/.

[43] Executive Order 13771, "Reducing Regulation and Controlling Regulatory Costs," 82 *Federal Register* 9339, February 3, 2017, §2(b).

[44] Ibid.

[45] Memorandum from Neomi Rao, Administrator, Office of Information and Regulatory Affairs, to regulatory reform officers at executive departments and agencies, "FY2018 Regulatory Cost Allowances," September 7, 2017, at https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2017/FY%202018%20Regulatory%20Cost%20Allowances.pdf.

Appendix A. Glossary of Federal Entities

Table A-1. List of Included Federal Entities

Cabinet-Level Departments and Subcomponents, Independent Agencies, Commissions, and Corporations			
ABMC	American Battle Monuments Commission	FERC	Federal Energy Regulatory Commission
CMS	Center for Medicare and Medicaid Services	FMC	Federal Maritime Commission
CBP	Customs and Border Protection	FRS	Federal Reserve System
CPSC	Consumer Product Safety Commission	GSA	General Services Administration
DHS	Department of Homeland Security	HHS	Department of Health and Human Services
DOC	Department of Commerce	HUD	Department of Housing and Urban Development
DOD	Department of Defense	NHTSA	National Highway Traffic Safety Administration
DOE	Department of Energy	NLRB	National Labor Relations Board
DOI	Department of the Interior	NRC	Nuclear Regulatory Commission
DOJ	Department of Justice	OPM	Office of Personnel Management
DOL	Department of Labor	OSHA	Occupational Safety and Health Administration
DOT	Department of Transportation	SEC	Securities and Exchange Commission
EBSA	Employee Benefits Security Administration	SSA	Social Security Administration
ED	Department of Education	STATE	Department of State
EPA	Environmental Protection Agency	TREAS	Department of the Treasury
FAA	Federal Aviation Administration	TSA	Transportation Security Administration
FCA	Farm Credit Administration	USAID	Agency for International Development
FCC	Federal Communications Commission	USDA	Department of Agriculture
FDA	Food and Drug Administration	VA	Department of Veterans Affairs
FDIC	Federal Deposit Insurance Corporation		

Source: CRS, using acronyms provided in the Unified Agenda.

Appendix B. Active Major and/or Economically Significant Rulemaking Actions in the 2017 Update Edition of the Unified Agenda

Table B-1. Active Major/Economically Significant Rules Listed in the 2017 Update Edition of the Unified Agenda

Federal Entity	Title of Rule (Regulation Identifier Number (RIN))	Selected Provisions from Abstracts, as Stated Verbatim in Unified Agenda	Authorizing Statute(s)
		Prerule Stage	
DOE	Energy Conservation Standards for External Power Supplies (1904-AD87)	The Energy Independence and Security Act of 2007 (EISA), P.L. 110-140, requires that DOE conduct two rulemakings to review whether the EPS [External Power Supplies] standards that are in effect at the time the review should be amended. The first of these reviews was on February 10, 2014 (79 FR 7846). Pursuant to 42 U.S.C. 6295(u)(3)(D)(ii), DOE is initiating the second review of EPS standards with this new regulatory action.	42 U.S.C. §6295(u)(3)(D)(ii)
DOE	Energy Conservation Program: Standards for Commercial Unfired Hot Water Storage Tanks (1904-AD90)	Consistent with the requirements under the Energy Policy and Conservation Act of 1975, as amended, DOE is examining whether to amend the current energy conservation standards in place for unfired hot water storage tanks, a type of commercial water heater found at 10 CFR 431.110. As a result of this effort, DOE may propose and adopt more stringent standards or issue a determination that no amendments to the current standards are required.	42 U.S.C. §6313(a)(6)(C)
DOE	Energy Conservation Program: Energy Conservation Standards for Consumer Water Heaters (1904-AD91)	Consistent with the requirements under the Energy Policy and Conservation Act of 1975, as amended, DOE is examining whether to amend the current energy conservation standards in place for consumer water heaters found at 10 CFR 430.32(d). As a result of this effort, DOE may propose and adopt more stringent standards or issue a determination that no amendments to the current standards are required.	42 U.S.C. §6295(m)(1)
DOE	Energy Conservation Program: Energy Conservation Standards for Commercial Air Conditioning and Heating Equipment (1904-AD92)	Consistent with the requirements under the Energy Policy and Conservation Act of 1975, as amended, DOE is examining whether to amend the current energy conservation standards in place for certain categories of Commercial Air Conditioning and Heating Equipment found at 10 CFR 431.97. As a result of this effort, DOE may propose and adopt more stringent standards or issue a determination that no amendments to the current standards are required.	42 U.S.C. §6313(a)(6)(A)(ii) ; 42 U.S.C. §6313(a)(6)(C)(i)
DOT	Amendment to Excessive Tarmac Delay Definition (2105-AE47)	This rulemaking would amend the definition of excessive tarmac delay in DOT's regulations for certain situations to conform with changes made in the FAA Extension, Safety, and Security Act of 2016.	49 U.S.C. §§40101(a)(4) and (9) ...

Proposed Rulemaking Stage			
CPSC	Regulatory Options for Table Saws (3041-AC31)	On July 11, 2006, the Commission voted to grant a petition requesting that the Commission issue a rule prescribing performance standards for a system to reduce or prevent injuries from contacting the blade of a table saw. The Commission also directed CPSC staff to prepare an advance notice of proposed rulemaking (ANPRM) initiating a rulemaking proceeding under the Consumer Product Safety Act (CPSA) to: (1) identify the risk of injury associated with table saw blade-contact injuries; (2) summarize regulatory alternatives, and (3) invite comments from the public. An ANPRM was published on October 11, 2011...	5 U.S.C. §553(e); 15 U.S.C. §2051
DHS/ CBP	Western Hemisphere Travel Initiative (WHTI)-Noncompliant Traveler Fee (1651-AB06)	This rule proposes amendments to the Department of Homeland Security regulations to establish a user fee to cover the inspection costs of processing U.S. citizens seeking entry at U.S. land border ports-of-entry without documents that comply with the Western Hemisphere Travel Initiative. Additionally, this rule proposes to update the regulation regarding the establishment of projects for the charging of a land border fee for inspection services.	8 U.S.C. §1356(q)
DOI/ BLM*	Revision or Rescission of the 2016 Waste Prevention, Production Subject to Royalties, and Resource Conservation Rule (1004-AE53)	This Proposed Rule would revise or rescind the Bureau of Land Management's 2016 Final Rule, Waste Prevention, Production Subject to Royalties, and Resource Conservation ... the Department is reviewing the 2016 Final Rule and expects to propose a rule to determine whether revision or rescission of the 2016 Final Rule is appropriate or necessary due to its regulatory burden on American energy production and State and local jobs.	25 U.S.C. §396d; 25 U.S.C. §2107; 30 U.S.C. §189; 30 U.S.C. §306; 30 U.S.C. §359...
DOI/ BLM*	Waste Prevention, Production Subject to Royalties, and Resource Conservation; Delay and Suspension of Implementation Dates for Certain Requirements (1004-AE54)	This proposed rule would temporarily suspend and delay certain requirements contained in a final rule that published in the Federal Register on November 18, 2016 (81 FR 83008). The final rule went into effect on January 17, 2017. Some of its provisions have delayed implementation dates that have not yet gone into effect ... The proposed rule would delay until July 17, 2019 (or by 18 months) provisions pertaining to: gas capture; measuring and reporting gas volumes vented and flared; existing approvals to flare royalty free; replacing pneumatic controllers; and leak detection and repair.	25 U.S.C. §396d; 25 U.S.C. §2107; 30 U.S.C. §189; 30 U.S.C. §306; 30 U.S.C. §359; 30 U.S.C. §1751
DOI/ FWS	Migratory Bird Hunting; 2017-2018 Migratory Game Bird Hunting Regulations (1018-BB40)	We propose to establish annual hunting regulations for certain migratory game birds for the 2017-18 hunting season. We annually prescribe outside limits (frameworks), within which States may select hunting seasons. This proposed rule provides the regulatory schedule, describes the proposed regulatory alternatives for the 2017-18 duck hunting seasons, requests proposals from Indian tribes that wish to establish special migratory game bird hunting regulations on Federal Indian reservations and ceded lands, and requests proposals for the 2018 spring and summer migratory bird subsistence season in Alaska...	16 U.S.C. §703-712; 16 U.S.C. §742(a)-(j)

DOI/ FWS	Migratory Bird Hunting; 2018-2019 Migratory Game Bird Hunting Regulations (1018-BB73)	We propose to establish annual hunting regulations for certain migratory game birds for the 2018-2019 hunting season. We annually prescribe outside limits (frameworks), within which States may select hunting seasons. This proposed rule provides the regulatory schedule, describes the proposed regulatory alternatives for the 2018-2019 duck hunting seasons, requests proposals from Indian tribes that wish to establish special migratory game bird hunting regulations on Federal Indian reservations and ceded lands, and requests proposals for the 2018 spring and summer migratory bird subsistence season in Alaska....	16 U.S.C. §703-711; 16 U.S.C. §742(a)-(j)
DOL/ EBSA	Revision of the Form 5500 Series and Implementing Related Regulations Under the Employee Retirement Income Security Act of 1974 (1210-AB63)	This regulatory action is part of a long-term strategic project with the Internal Revenue Service and the Pension Benefit Guaranty Corporation to modernize and improve the Form 5500 Annual Return/Report of Employee Benefit Plan. Modernizing the financial and other annual reporting requirements on the Form 5500 and making the investment and other information on the Form 5500 more data mineable are part of that evaluation. The project is also focused on enhancing the agencies' ability to collect employee benefit plan data that best meets the needs of changing compliance projects, programs, and activities.	29 U.S.C. §1021-1025; 29 U.S.C. §1027; 29 U.S.C. §§1029-1030; 29 U.S.C. §1134...
DOL*	Tip Regulations Under the Fair Labor Standards Act (FLSA) (1235-AA21)	... In this Notice of Proposed Rulemaking, the Department will propose to rescind the current restrictions on tip pooling by employers that pay tipped employees the full minimum wage directly.	29 U.S.C. §§201 et seq; 29 U.S.C. §203(m)
DOT/ FTA	Protecting Transit Workers From the Risk of Assaults (2132-AB30)	Section 3022 of the Fast Act requires the Secretary to issue a notice of proposed rulemaking (NPRM) on protecting transit operators from the risk of assault. This NPRM would propose mitigations to reduce the risk of assault to transit operators and employees of public transportation systems, based on a Safety Management Systems approach. Proposed mitigations would include vehicle requirements, training and other tools.	P.L. 114-94, §3022
EPA	Renewable Fuel Volume Standards for 2018 and Biomass Based Diesel Volume (BBD) for 2019 (2060-AT04)	The Clean Air Act requires EPA to promulgate regulations that specify the annual volume requirements for renewable fuels under the Renewable Fuel Standard (RFS) program. Standards are to be set for four different categories of renewable fuels: cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel. The statute requires that the standards be finalized by November 30 of the year prior to the year in which the standards would apply. In the case of biomass-based diesel, the statute requires applicable volumes to be set no later than 14 months prior to the year for which the requirements would apply.	42 U.S.C. §§7401 et seq.
EPA*	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Extension of Stay for Certain Requirements (2060-AT59)	The EPA finalized the Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources on June 3, 2016 (81 FR 35824). Several petitions were received in response to the final rule. The petitions have raised at least one objection to the fugitive emissions, pneumatic pumps and professional engineer certification requirements included in the final rule that arose after the comment period or was impracticable to raise during the comment period and that is of central relevance to the rule. In this action, the EPA intends to further extend the stay for these requirements. Sources will not need to comply with these requirements while the stay is in effect.	42 U.S.C. §7411

EPA	N-Methylpyrrolidone (NMP) and Methylene Chloride; Rulemaking Under TSCA Section 6(a) (2070-AK07)	...On January 19, 2017, EPA proposed under section 6 prohibitions and restrictions on the use of methylene chloride and in consumer and most types of commercial paint and coating removal. In that proposal, EPA identified commercial furniture refinishing as an industry for which EPA would like more information before proposing regulations to address the risks presented by methylene chloride, and announced its intention to propose a separate rulemaking to address those risks.	15 U.S.C. §2605
EPA	Trichloroethylene (TCE); Rulemaking Under TSCA [Toxic Substances Control Act] Section 6(a); Vapor Degreasing (2070-AK11)	...On January 19, 2017, EPA proposed to prohibit the manufacture, processing, distribution in commerce, or commercial use of TCE in vapor degreasing. A separate Regulatory Agenda entry (RIN 2070-AK03), published on December 16, 2016, proposes to address the unreasonable risks from TCE when [used] as a spotting agent in dry cleaning and in commercial and consumer aerosol spray degreasers.	15 U.S.C. §2605
EPA	Financial Responsibility Requirements Under CERCLA Section 108(b) for Classes of Facilities in the Hardrock Mining Industry (2050-AG61)	Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, establishes certain authorities concerning financial responsibility requirements. The Agency has identified classes of facilities within the hardrock mining industry as those for which financial responsibility requirements will be first developed. The EPA intends to include requirements for financial responsibility, as well as notification and implementation.	42 U.S.C. §§9601 et seq.
EPA	National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions (2040-AF15)	Beginning in 2004, EPA conducted a wide-ranging review of implementation of the Lead and Copper Rule (LCR) to determine if there is a national problem related to elevated lead levels... As a result of this multi-part review, EPA identified seven targeted rules changes and EPA promulgated a set of short-term regulatory revisions and clarifications on October 10, 2007, to strengthen implementation of the existing Lead and Copper Rule. In developing the short-term revisions, EPA identified several regulatory changes to be considered as part of identifying more comprehensive changes to the rule...	42 U.S.C. §§300f et seq.
HHS/ CMS	Medicaid Disproportionate Share Hospital (DSH) Allotment Reductions (0938-AS63)	The Affordable Care Act amends the Social Security Act by requiring aggregate reductions to state Medicaid DSH allotments from FY2014 through FY2020. CMS published a final rule in October 2013 that delineated a methodology to implement the annual reductions only for FY2014 and FY2015. Subsequent legislation delayed the start of the reductions until FY2018. Since the earlier final rule was only limited to FY2014 and FY2015, this rule proposes a methodology to reduce the allotments for FY2018-2025.	P.L. 111-148, §2551; P.L. 114-10, §412
HHS/ CMS	CY 2018 Home Health Prospective Payment System Rate Update; Value-Based Purchasing Model; and Quality Reporting Requirements (0938-AT01)	This annual proposed rule would update the 60-day national episode rate, the national per-visit rates used to calculate low utilization payment adjustments (LUPAs), and outlier payments under the Medicare prospective payment system for home health agencies. The rule also proposes changes to the Home Health Value-Based Purchasing (HHVBP) Model and proposes updates to the Home Health Quality Reporting Program (HH QRP).	42 U.S.C. §1302; 42 U.S.C. §1395hh

HHS/ CMS	CY [Calendar Year] 2018 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (0938-AT02)	This annual proposed rule would revise payment polices under the Medicare physician fee schedule, and make other policy changes to payment under Medicare Part B. These changes would apply to services furnished beginning January 1, 2018.	42 U.S.C. §1302; 42 U.S.C. §1395hh
HHS/ CMS	CY 2018 Hospital Outpatient PPS [Prospective Payment System] Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (0938-AT03)	This annual proposed rule would revise the Medicare hospital outpatient prospective payment system to implement statutory requirements and changes arising from our continuing experience with this system. The proposed rule describes changes to the amounts and factors used to determine payment rates for services. In addition, the rule proposes changes to the ambulatory surgical center payment system list of services and rates.	42 U.S.C. §1302; 42 U.S.C. §1395hh
HHS/ CMS	CY 2018 Changes to the End-Stage Renal Disease (ESRD) Prospective Payment System, Quality Incentive Program, and Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) (0938-AT04)	This annual proposed rule would update the bundled payment system for ESRD facilities by January 1, 2018. The rule would also update the quality incentives in the ESRD program and implement changes to the DMEPOS competitive bidding program.	42 U.S.C. §1302; 42 U.S.C. §1395d(d); 42 U.S.C. §1395f(b); 42 U.S.C. §1395q
HHS/ CMS	Policy and Technical Changes to the Medicare Advantage and the Medicare Prescription Drug Benefit Programs for Contract Year 2019 (0938-AT08)	This proposed rule would set forth programmatic and operational changes to the Medicare Advantage (MA) and prescription drug benefit programs for contract year 2019.	P.L. 114-198, §702...
HHS/ CMS	CY 2019 Notice of Benefit and Payment Parameters (0938-AT12)	This proposed rule would set forth payment parameters and provisions related to the risk adjustment programs; cost sharing parameters and cost-sharing reductions; and user fees for Federally-Facilitated Exchanges. It would also provide additional standards for several other Affordable Care Act programs.	P.L. 111-148
HHS/ CMS	CY 2018 Updates to the Quality Payment Program (0938-AT13)	This rule implements provisions of the Medicare Access and CHIP [Children's Health Insurance Program] Reauthorization Act (MACRA) related to the Merit-based Incentive Payment System (MIPS) and Advanced Alternative Payment Models (Advanced APMs).	P.L. 114-10, §101
HHS/ CMS	Advancing Care Coordination Through Episode Payment Models (EPMs) (0938-AT16)	This proposed rule would modify the Comprehensive Care for Joint Replacement model, the Episode Payment Models (EPMs), and the Cardiac Rehabilitation (CR) Incentive Payment Model, and Comprehensive Care for Joint Replacement (CJR) model.	42 U.S.C. §1315a

NRC	Revision of Fee Schedules: Fee Recovery for FY2018 (3150-AJ95)	This rule would implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, which requires the Nuclear Regulatory Commission to recover approximately 90 percent of its budget authority in a given fiscal year, less the amounts appropriated from the Waste Incidental to Reprocessing, generic homeland security activities, and Inspector General services for the Defense Nuclear Facilities Safety Board, through fees assessed to licensees. This rulemaking would amend the Commission's fee schedules for licensing, inspection, and annual fees charged to its applicants and licensees....	31 U.S.C. §483; 42 U.S.C. §2201; 42 U.S.C. §2214; 42 U.S.C. §5841
VA	Civilian Health and Medical Program of the Department of Veterans Affairs (2900-AP02)	The Department of Veterans Affairs (VA) proposes to amend its regulations related to the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA). The proposed revisions would clarify and update these regulations to conform to changes in law or policy that control the administration of CHAMPVA, and would include details concerning the administration of CHAMPVA that are not reflected in current regulations. The revisions would also propose to expand covered services to include certain preventive services and reduce cost-share amounts and deductibles for certain covered services.	38 U.S.C. §501; 38 U.S.C. §1781; 38 U.S.C. §1720G(a)(7)(A)
		Final Rules	
DOC/ PTO	Setting and Adjusting Patent Fees During Fiscal Year 2017 (0651-AD02)	The United States Patent and Trademark Office (Office) takes this action to set and adjust patent fee amounts to provide the Office with a sufficient amount of aggregate revenue to recover its aggregate cost of operations while helping the Office maintain a sustainable funding model, reduce the current patent application backlog, decrease patent pendency, improve quality, and upgrade the Office's business information technology capability and infrastructure.	P.L. 112-29
DOD	TRICARE; Reimbursement of Long Term Care Hospitals and Inpatient Rehabilitation Facilities (0720-AB47)	The Department of Defense, Defense Health Agency, proposed to revise its reimbursement of Long Term Care Hospitals (LTCHs) and Inpatient Rehabilitation Facilities (IRFs).... The proposed rule set forth the regulation modifications that would be necessary for TRICARE to adopt Medicare's LTCH and IRF Prospective Payment Systems and rates applicable for inpatient services provided by LTCHs and IRFs to TRICARE beneficiaries. The Department will finalize this rule after considering public comment.	5 U.S.C. §301 10 U.S.C. ch. 55
DOE	Energy Conservation Standards for Commercial Packaged Boilers (1904-AD01)	EPCA [Energy Policy and Conservation Act], as amended by AEMTCA [American Energy Manufacturing Technical Corrections Act], requires the Secretary to determine whether updating the statutory energy conservation standards for commercial packaged boilers is technically feasible and economically justified and would save a significant amount of energy. If justified, the Secretary will issue amended energy conservation standards for such equipment. DOE last updated the standards for commercial packaged boilers on July 22, 2009. DOE issued an NPRM pursuant to the 6-year-look-back requirement on March 24, 2016....	42 U.S.C. §6313(a)(6)(C); 42 U.S.C. §6311(11)(B)

DOE	Energy Conservation Standards for Portable Air Conditioners (1904-AD02)	DOE has determined that portable air conditioners (ACs) qualify as a covered product under part A of title III of EPCA, as amended. DOE has not previously conducted an energy conservation standard rulemaking for portable ACs. On June 13, 2016, DOE issued a NPRM proposing energy conservation standards for this product.	42 U.S.C. §6292(b); 42 U.S.C. §6295(l)
DOE	Energy Conservation Standards and Definition for General Service Lamps (1904-AD09)	Amendments to Energy Policy and Conservation Act (EPCA) in the Energy Independence and Security Act of 2007 direct DOE to conduct two rulemaking cycles to evaluate energy conservation standards for GSLs [General Service Lamps], the first of which must be initiated no later than January 1, 2014 (42 U.S.C. 6295(i)(6)(A)-(B)). EPCA specifically states that the scope of the rulemaking is not limited to incandescent lamp technologies. EPCA also states that DOE must consider in the first rulemaking cycle the minimum backstop requirement of 45 lumens per watt for general service lamps (GSLs) effective January 1, 2020.	42 U.S.C. §6295(i)(6)(A)
DOE	Energy Conservation Standards for Residential Conventional Cooking Products (1904-AD15)	EPCA, as amended by EISA 2007 [Energy Independence and Security Act of 2007], requires the Secretary to determine whether updating the statutory energy conservation standards for residential conventional cooking products would yield a significant savings in energy use and is technically feasible and economically justified. DOE is reviewing to make such determination.	42 U.S.C. §6295(m)(1); 42 U.S.C. §6292(a)(10)
DOE	Energy Conservation Standards for Residential Non-Weatherized Gas Furnaces and Mobile Home Gas Furnaces (1904-AD20)	... DOE is considering amendments to its energy conservation standards for residential non-weatherized gas furnaces and mobile home gas furnaces in partial fulfillment of a court-ordered remand of DOE's 2011 rulemaking for these products. DOE published a supplemental notice of proposed rulemaking on September 23, 2016.	42 U.S.C. §6295...
DOE	Energy Conservation Standards for Commercial Water Heating Equipment (1904-AD34)	Once completed, this rulemaking will fulfill DOE's statutory obligation under EPCA to either propose amended energy conservation standards for commercial water heaters and hot water supply boilers, or determine that the existing standards do not need to be amended....	42 U.S.C. §§6313(a)(6)(C)(i) and (vi)
DOE	Energy Conservation Standards for Walk-In Coolers and Walk-In Freezers (1904-AD59)	In 2014, the Department of Energy (DOE) issued a rule setting performance-based energy conservation standards for a variety of walk-in cooler and freezer (walk-in) components. See 79 FR 32050 (June 3, 2014). That rule was challenged by a group of walk-in refrigeration system manufacturers and walk-in installers, which led to a settlement agreement regarding certain refrigeration equipment classes addressed in that 2014 rule and certain aspects related to that rule's analysis. See Lennox Int'l v. DOE, Case No. 14-60535 (5th Cir. 2014). Consistent with the settlement agreement, and in accordance with the Federal Advisory Committee Act, a working group was established under the Appliance Standards and Rulemaking Advisory Committee (ASRAC) to engage in a negotiated rulemaking to develop energy conservation standards to replace those that had been vacated by the U.S. Court of Appeals for the Fifth Circuit....	42 U.S.C. §6311; 42 U.S.C. §6313(f)
DOE	Energy Conservation Standards for Uninterruptible Power Supplies (1904-AD69)	DOE is considering energy conservation standards for a class of battery chargers that are Uninterruptible Power Supplies.	42 U.S.C. §6295(u)(1)

DOE	Convention on Supplementary Compensation for Nuclear Damage Contingent Cost Allocation (1990-AA39)	The U.S. Department of Energy proposes to issue regulations under section 934 of the Energy Independence and Security Act of 2007. It establishes a retrospective risk pooling program by which nuclear suppliers will reimburse the United States government for any contribution it is obliged to make to an international supplementary fund under the Convention on Supplementary Compensation for Nuclear Damage (CSC) in the event of certain nuclear incidents not covered by the Price-Anderson Act....	42 U.S.C. §17373
DOT/ FRA	Passenger Equipment Safety Standards Amendments (RRR) (2130-AC46)	This rulemaking would update existing safety standards for passenger rail equipment. Specifically, the rulemaking would add a new tier of passenger equipment safety standards (Tier III) to facilitate the safe implementation of nation-wide, interoperable high-speed passenger rail service at speeds up to 220 mph.... This final rule also establishes crashworthiness and occupant protection performance requirements as an alternative to those currently specified for Tier I passenger trainsets. Additionally, the final rule increases from 150 mph to 160 mph the maximum speed for passenger equipment that complies with FRA's Tier II standards....	49 U.S.C. §20103
DOT/ FTA	Public Transportation Agency Safety Plans (2132-AB23)	This rulemaking would establish requirements for States or recipients to develop and implement individual agency safety plans. The requirements of this rulemaking will be based on the principles and concepts of Safety Management Systems (SMS). SMS is the formal, top-down, organization-wide approach to managing safety risks and assuring the effectiveness of a transit agency's safety risk controls. SMS includes systematic procedures, practices, and policies for managing hazards and risks.	49 U.S.C. §5329(c)-(d)
ED*	Title I of the Elementary and Secondary Education Act of 1965—Accountability and State Plans (1810-AB27)	The Department amended regulations implementing programs under title I of the Elementary and Secondary Education Act of 1965 (ESEA) to implement changes to the ESEA by the Every Student Succeeds Act (ESSA) on November 29, 2016. This action was disapproved under the Congressional Review Act in H.J.Res. 57, which was signed by the President on March 27, 2017.	20 U.S.C. §1001; 20 U.S.C. §1111; 20 U.S.C. §1221e-3...
EPA	Formaldehyde Emission Standards for Composite Wood Products (2070-AJ44)	On December 12, 2016, EPA issued a final rule to implement the Formaldehyde Standards for Composite Wood Products Act, which added title VI to the Toxic Substances Control Act (TSCA). The purpose of TSCA title VI is to reduce formaldehyde emissions from composite wood products, which will reduce exposures to formaldehyde and result in benefits from avoided adverse health effects. This final rule includes formaldehyde emission standards applicable to hardwood plywood, medium-density fiberboard, and particleboard, and finished goods containing these products, that are sold, supplied, offered for sale, or manufactured (including imported) in the United States....	15 U.S.C. §2697
FCC	Protecting and Promoting the Open Internet (3060-AK21)	In May 2014, the Commission adopted a Notice of Proposed Rulemaking seeking comment on rules for Internet openness and the Commission's legal basis to adopt such rules following the Verizon v. FCC decision that vacated the Commission's 2010 Open Internet Order conduct-based rules. In February 2015, the Commission adopted a Report and Order on Remand, Declaratory Ruling, and Order (2015 Order) that reclassified broadband Internet access service under title II of the Communications Act. The Commission also adopted new rules banning blocking, throttling, and paid prioritization under its title II authority. Finally, the 2015 Order also adopted a general conduct standard applicable to broadband service providers, as well as additional reporting obligations....	47 U.S.C. §151; 47 U.S.C. §154(i)-(j); 47 U.S.C. §201(b)

FDIC	Restrictions on Qualified Financial Contracts of Certain FDIC-Supervised Institutions; Revisions to the Definition of Qualifying Master Netting Agreement and Related Definitions (3064-AE46)	... Under this proposed rule, covered FSIs would be required to ensure that covered qualified financial contracts (QFCs) to which they are a party provide that any default rights and restrictions on the transfer of the QFCs are limited to the same extent as they would be under the Dodd-Frank Wall Street Reform and Consumer Protection Act and the Federal Deposit Insurance Act. In addition, covered FSIs would generally be prohibited from being party to QFCs that would allow a QFC counterparty to exercise default rights against the covered FSI based on the entry into a resolution proceeding under the Dodd-Frank Act, FDI Act, or any other resolution proceeding of an affiliate of the covered FSI....	12 U.S.C. §1816; 12 U.S.C. §1818; 12 U.S.C. §1819; 12 U.S.C. §1815(a)
HHS/ CMS	FY2018 Prospective Payment System and Consolidated Billing for Skilled Nursing Facilities (SNFs) (0938-AS96)	This annual proposed rule would update the payment rates used under the prospective payment system for SNFs for fiscal year 2018.	42 U.S.C. §1302; 42 U.S.C §1395hh
HHS/ CMS	Hospital Inpatient Prospective Payment System for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and FY2018 Rates (0938-AS98)	This annual final rule would revise the Medicare hospital inpatient and long-term care hospital prospective payment systems for operating and capital-related costs. This rule implements changes arising from our continuing experience with these systems.	42 U.S.C. §1302; 42 U.S.C. §1395hh; P.L. 114-255
HHS/ CMS	FY 2018 Hospice Wage Index and Payment Rate Update and Hospice Quality Reporting Requirements (0938-AT00)	This annual proposed rule would update the hospice payment rates and the wage index for fiscal year 2018. The rule also proposes changes to the Hospice Quality Reporting Program.	42 U.S.C. §1302
HHS/ CMS	CY 2018 Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts (0938-AT05)	This annual notice announces the inpatient hospital deductible and the hospital and extended care services coinsurance amounts for services furnished in calendar year 2018 under Medicare's Hospital Insurance program (Medicare Part A). The Medicare statute specifies the formula used to determine these amounts.	42 U.S.C. §1395e-2(b)(2).
HHS/ CMS	FY 2018 Inpatient Psychiatric Facilities Prospective Payment System—Rate Update (0938-AS97)	This annual notice would update the prospective payment rates for inpatient psychiatric facilities with discharges beginning on October 1, 2017.	42 U.S.C. §1302; 42 U.S.C. §1395hh
NRC	Mitigation of Beyond Design Basis Events (MBDBE) (3150-AJ49)	This rule would enhance mitigation strategies for nuclear power reactors for beyond-design-basis external events. This rulemaking addresses recommendations from the Near-Term Task Force (NTTF) related to station blackout, spent fuel pool long-term cooling, and emergency preparedness (NTTF Recommendations 4, 7, 8, and portions of 9, 10, and 11). In staff requirements memorandum (SRM)-SECY-11-0124, the Commission directed the staff to initiate the station blackout rulemaking as a high-priority activity....	42 U.S.C. §2201; 42 U.S.C. §5841

NRC	Revision of Fee Schedules; Fee Recovery for FY 2017 (3150-AJ73)	This rule would implement the Omnibus Budget Reconciliation Act of 1990 (OBRA-90), as amended, which requires the Nuclear Regulatory Commission to recover approximately 90 percent of its budget authority in a given fiscal year, less the amounts appropriated from the Waste Incidental to Reprocessing and generic homeland security activities, through fees assessed to licensees. This rulemaking would amend the Commission's fee schedules for licensing, inspection, and annual fees charged to its applicants and licensees....	31 U.S.C. §483; 42 U.S.C. §2201; 42 U.S.C. §2214; 42 U.S.C. §5841
SEC	Investment Company Reporting Modernization; Option for Website Transmission of Shareholder Reports (3235-AL42)	The Commission adopted new rules and forms as well as amendments to its rules and forms to modernize the reporting and disclosure of information by registered investment companies. The Commission proposed new rule 30e-3, which would permit, but not require registered investment companies to transmit periodic reports to their shareholders by making the reports accessible on a website and satisfying certain other conditions....	15 U.S.C. §§77 et seq.; 15 U.S.C. §§77aaa et seq...
TREAS	Automated Commercial Environment (ACE) Required for Electronic Entry/Entry Summary (Cargo Release and Related Entry) Filings (1515-AE03)	This document amends the U.S. Customs and Border Protection (CBP) regulations to reflect that on November 1, 2015, the Automated Commercial Environment (ACE) will be a CBP-authorized Electronic Data Interchange (EDI) System. This regulatory document informs the public that the Automated Commercial System (ACS) is being phased out as a CBP-authorized EDI System for the processing electronic entry and entry summary filings (also known as entry filings). ACE will replace the Automated Commercial System (ACS) as the CBP-authorized EDI system for processing commercial trade data.	Not available.
TREAS	FinCEN Found the Halawi Exchange Co. (Halawi Exchange) Is a Financial Institution of Primary Money Laundering Concern (1506-AB21)	The Director of FinCEN found that a financial institution operating outside of the United States is of primary money laundering concern pursuant to 31 U.S.C. 5318(a). FinCEN issued a notice of proposed rulemaking (NPRM) to propose the imposition of two special measures against the financial institution. See 78 FR 24584, April 25, 2013.	12 U.S.C. §1829(b); 12 U.S.C. §§1951-1959...
USDA/ AMS	Organic Livestock and Poultry Practices (0581-AD44)	This action would establish standards that support additional practice standards for organic livestock and poultry production. This action would add provisions to the USDA organic regulations to address and clarify livestock and poultry living conditions (for example, outdoor access, housing environment and stocking densities), health care practices (for example physical alterations, administering medical treatment, euthanasia), and animal handling and transport to and during slaughter.	7 U.S.C. §§6501-6522

VA	Loan Guaranty: Ability-to-Repay Standards and Qualified Mortgage Definition Under the Truth in Lending Act (2900-AO65)	This document amends the Department of Veterans Affairs (VA) Loan Guaranty regulations that implemented provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act, requiring that VA define the types of VA loans that are "qualified mortgages" for the purposes of the Ability to Repay provisions of the Truth in Lending Act (TILA). This rule clarifies which VA-guaranteed loans are to be considered "qualified mortgages" in accordance with the Ability to Repay provisions.	38 U.S.C. §501; 15 U.S.C. §1639C(a)(5); 15 U.S.C. §1639C(b)(3)(B)(ii); 38 U.S.C. §3710...
VA	Net Worth, Asset Transfers, and Income Exclusions for Needs-Based Benefits (2900-AO73)	The Department of Veterans Affairs (VA) proposed to amend its regulations governing entitlement to VA pension and other VA needs-based benefit programs. The proposed amendments would establish new requirements pertaining to the evaluation of net worth and asset transfers for pension purposes and identify those medical expenses that may be deducted from countable income for VA's needs-based benefit programs. The proposed amendments would also maintain the integrity of VA's needs-based benefit programs, and clarify and address issues necessary for the consistent adjudication of pension and parents' dependency and indemnity compensation claims....	38 U.S.C. §501; 38 U.S.C. §1503; 38 U.S.C. §1522; 38 U.S.C. §1543; 38 U.S.C. §1832; 38 U.S.C. §5110...
VA	Expanded Access to Non-VA Care Through the Veterans Choice Program (2900-AP60)	The Department of Veterans Affairs (VA) revised its medical regulations that implement section 101 of the Veterans Access, Choice, and Accountability Act of 2014 (hereafter referred to as "the Choice Act"), which requires VA to establish a program to furnish hospital care and medical services through eligible non-VA health care providers to eligible veterans who either cannot be seen within the wait-time goals of the Veterans Health Administration (VHA) or who qualify based on their place of residence (hereafter referred to as the "Veterans Choice Program" or "the Program")	P.L. 113-146, §101; P.L. 114-41, §4005; 38 U.S.C. §501

Source: CRS, using information from the 2017 Update to the Unified Agenda of Federal Regulatory and Deregulatory Actions.

Notes: "Authorizing statutes" refers to the laws providing the authority to take the regulatory action, as listed by the agency in each entry in the Unified Agenda. Asterisks (*) in the "Federal Entity" column identify actions that appear to be deregulatory based on the abstract. Additional deregulatory actions may exist, but were not discernible based on the abstracts. Ellipses (...) indicate abstracts or authorizing statutes that have been truncated to make the table more concise. The remaining information can be found in each Agenda entry. For uniformity, the acronym "NPRM" is used in lieu of "NOPR" to abbreviate "notice of proposed rulemaking."

a. "Federal Entity" includes the Cabinet-level department and, if applicable, the agency within a Cabinet-level department that listed the rulemaking action.

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