A final rule published on 12/10/16 by the U.S. Department of Labor requiring employers to keep and maintain records of employees’ work-related injuries and illnesses. Signed into law 4/3/2017.

A regulation issued by the Federal Communications Commission on 12/2/16 which prohibited internet service providers from collecting and selling customers’ data to third parties without their consent. Signed into law 4/3/17.

A final regulation issued by the U.S. Department of Health and Human Services on 12/9/16 which mandates that health care providers may not be excluded from the Title X program for reasons unrelated to their qualifications to perform Title X-funded services. Signed into law 4/13/17.

A rule finalized by the U.S. Department of Labor in 8/2016 which creates a safe harbor under which certain retirement savings arrangements established by states for private-sector workers will not be considered ERISA-covered employee benefit plans. Signed into law 4/13/17.

A rule finalized by the U.S. Department of Labor in 12/2016 which creates a safe harbor under which certain retirement savings arrangements established by approved political subdivisions for private-sector workers will not be considered ERISA-covered employee benefit plans. Signed into law 5/17/17.

A regulation finalized by the Consumer Financial Protection Bureau on 7/10/17 which prohibits companies involved in financial services from using forced arbitration. Signed into law 11/1/17.

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The use by the 115th Congress (2017 – 2018) and the Trump Administration of the Congressional Review Act to repeal 15 rules and regulations put into place by President Obama and his Administration.
When Congress passes a law, it is up to the Administration to interpret or enforce the law through rules or regulations. Likewise, a President can issue an “executive order,” which is then implemented by his administration via rules or regulations. While major initiatives, or their repeal, (such as the Affordable Care Act, or “Obamacare”) require an Act of Congress, an executive order can have significant influence over how the government operates, deciding how and to what degree legislation will be enforced, dealing with emergencies, and in general fine-tuning policy choices in the implementation of broad statutes.

The “Congressional Review Act” (CRA) is a 1996 law which was enacted as part of the “Contract with America.” Under the CRA, Congress can pass a resolution (which the President can sign or veto) repealing any federal regulation that has gone into effect within the last 60 legislative days.

Prior to 2017, the CRA had only been used once, in 2001. Sadly, in 2017, given the new President and leadership in both the U.S. House of Representatives and the U.S. Senate which was hostile to many of the NAACP priorities, Congress began passing and the President signed a series of CRA resolutions to overturn a variety of rules issued by President Obama. To date, 15 CRA resolutions have been passed and signed into law. Due to the shortness of legislative session of the 114th Congress (2015-2016), the new Congress was able to target Obama administration rules that were finalized as far back as mid-May, 2016.

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Steps backwards in 2017

Below is a list of the 15 rules and regulations issued during the Obama Administration which were successfully repealed by the 115th Congress and President Trump using the Congressional Review Act.

- A rule finalized by the Securities and Exchange Commission on 7/26/16, mandated by the NAACP-supported 2010 Dodd Frank Wall Street Reform and Consumer Protection Act, which required resource extraction issuers to disclose payments made to governments for the commercial development of oil, natural gas, or minerals. Signed into law on 2/14/17.
- A rule finalized by the U.S. Department of Interior on 12/20/16 intended to mitigate the impact of surface coal mining on nearby surface water, groundwater, streams, etc. Signed into law 2/16/17.
- A rule submitted by the Social Security Administration on 12/19/16 which would have made it more difficult for certain mentally challenged individuals to purchase firearms. Signed into law 2/28/17.
- A rule issued by various federal agencies on 8/25/16 requiring companies to disclose violations of certain, basic, workplace protection laws when applying for a federal contract. Signed into law 3/27/17.
- A rule issued on 12/12/16 by the U.S. Department of Interior that improves how the Bureau of Land Management conducts its large-scale resource management plans. Signed into law 3/27/17.
- A regulation issued by the US Department of Education on 11/29/16 which would require the states to submit robust education plans under the Every Student Succeeds Act detailing how schools would address marginalized students, including low income students, those with disabilities, and girls. Signed into law 3/27/2017.
- A regulation issued by the U.S. Department of Labor on 8/1/16 which narrowly defined when a beneficiary of Unemployment Insurance must submit to a drug test. Signed into law 3/31/17.