

From: Taylor, Richele
To: Glaccum, David <DavidGlaccum@gov.sc.gov>
Date: 11/17/2016 10:47:31 AM
Subject: RE: Repealing Federal Regulations - Hope this is what you were looking for

Thanks. I think this is the perfect first step. We can see how much farther we need to go when we talk with SP

From: Glaccum, David
Sent: Thursday, November 17, 2016 10:41 AM
To: Taylor, Richele <RicheleTaylor@gov.sc.gov>
Subject: Repealing Federal Regulations - Hope this is what you were looking for

There are three primary ways to repeal/roll-back final federal regulations:

1. Executive: a new rule repealing an existing rule can be adopted. It would need to go through the formal rule making process which can take years.
2. Judicial: if a regulation is challenged in court, the Executive Branch could choose not to defend it, increasing the likelihood of a successful challenge, although guaranteeing nothing.
3. Legislative: using normal law-making authority, or the appropriations process, Congress can formally repeal (via legislation) or prevent the enforcement of (via appropriations rider) a federal regulation. Both of these routes would take a 60-vote threshold in the Senate to beat a filibuster, meaning the effort would necessarily have to be bipartisan.
 - a. Another Congressional route is passing a resolution of disapproval under the *Congressional Review Act* (CRA). In sum, this process provides an expedited process for Congress to disapprove of regulations after they have become final. While expedited in process, the disapproval resolution still requires a 60-vote (filibuster proof) majority in the Senate. Also, this process is not likely viable for regulations adopted under Obama because the temporal limitation on moving the disapproval resolution will have passed unless new regulations come down in his final two months in office (w/in 60 days of the rule becoming final).

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