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"All Hands on Deck"

Tracking the Trump Cabinet
throughout the COVID-19 pandemic

EXECUTIVE SUMMARY

As the nation reels from a global health crisis that has killed over 80,000, infected over 1.3 million and touched the lives of everyone else, the Trump administration is all too often focused on other issues that have nothing to do with the crisis at hand.

A study of Cabinet-level rulemaking and actions finds that the administration has swiftly and quietly charged forward in its crusade to push through ideologically-driven anti-regulatory measures. In an administration that has a reputation for using red herrings to distract from what is really happening behind the scenes, far-reaching measures are being enacted while little or no public debate, while the general public's eyes are averted in the midst of a crisis.

Fueling the urgency is a rapidly shrinking window of time the administration has before its rules could fall subject to revocation by a new government in 2020. The Congressional Review Act (CRA) gives Congress the power to overturn agency rules made public in the last 60 legislative days of a prior Congress by simple majority votes in both the House and Senate.¹ The deadline for federal rules to be safe from being wiped off the books could be as early as May 19, depending on how many days Congress is in session this year.²

From the EPA's [repeal of clean water rules](#)³ to the Department of the Interior's [rollback of the Endangered Species Act](#)⁴ to the loosening of [rules placed on banks following the 2008](#)

[financial crisis](#)⁵, President Trump and his Cabinet have pursued historic and damaging deregulation [since his first day in office](#)⁶. As the coronavirus pandemic has ground the global economy to a halt and sent Americans into lockdowns, the administration is taking the opportunity to enact a flurry of deregulatory measures.

An investigation by Accountable.US found that in less than 100 days the Trump administration has introduced 730 new rules and proposed rules across nine agencies. Of those rules and proposed rules, just 18 – or just over two percent – deal directly or even indirectly with the coronavirus crisis⁷. Some regulations – like advancing charter school funding and imposing burdensome requirements on organized labor and works – have been heralded by conservative causes for years. Others put on sharp display an administration attempting to capitalize on the crisis with an expedited process like rulemaking – as in its efforts to open up more public lands to oil and gas companies and eliminating protections for birds and wildlife.

Instead of devoting all of its resources to combatting the worst crisis the United States has seen since the Great Depression, the Trump administration has quietly pursued its political agenda, further deepening the pain felt by American families and leaving lasting effects for years to come.

1 "13 and Counting: Obama Regulations Rolled Back Under Congressional Review Act," Wall Street Journal, [5/09/17](#)

2 "Parties Plan for Regulatory-Rollback Role Reversal," Wall Street Journal, [5/01/20](#)

3 "Trump finalizes repeal of Obama-era clean water rule," CNBC, 9/12/19

4 "Environmental groups sue Trump administration over changes to Endangered Species Act," USA Today, 8/21/19

5 "Big banks are breezing through their stress tests. But the results could be deceiving." Washington Post, 6/24/19

6 "138 things Trump did this year while you weren't looking," Politico, 12/29/17

7 The study included an in-depth accounting and evaluation of rules and proposed rules included in the Federal Register for a predetermined number of agencies, dating back to Feb. 11, 2020 when the WHO released the name of the novel coronavirus. Rules mentioning "COVID" and being affected by the pandemic were identified and accounted.

KEY FINDINGS:

DEPARTMENT OF EDUCATION: Sec. Betsy DeVos cited the coronavirus crisis as reason to move forward with rules on distance learning⁸ that her office had been working on for more than a year.⁹ But her department still withheld immediate coronavirus relief to students, and negligently dragged its feet in opening applications for the CARES Act's education relief funds while student loan borrowers' wages were being garnished.¹⁰ ***Meanwhile, since February 11, 2020, none of the 15 rules and proposed rules issued under Education Secretary Betsy DeVos have addressed the pandemic.***

DEPARTMENT OF LABOR: Sec. Eugene Scalia pressed on with an anti-union rule to impose burdensome financial reporting requirements that had long been "championed by conservative groups" like the Americans for Tax Reform and expanded his own power at the department¹¹ — even as workers and Congress repeatedly pleaded for him to do more to protect workers from the coronavirus.¹² ***Meanwhile, since February 11, 2020, only three of the 10 rules issued under Labor Secretary Eugene Scalia have explicitly dealt with the pandemic.***

DEPARTMENT OF TRANSPORTATION: Sec. Elaine Chao, whose family runs a shipping company, worked to support the industry during the coronavirus crisis. Meanwhile, her department further loosened restrictions on the airline industry's \$25 billion bailout allowing them greater flexibility in cutting flight routes and moved forward in weakening CO2 emissions standards that would have curbed greenhouse

8 "Betsy DeVos on coronavirus: What are the feds doing to help schools?" Interview with Secretary Betsy DeVos, American Enterprise Institute, [4/06/20](#)

9 "The Risks in Betsy DeVos' Rethink of Higher Education," Center for American Progress, [1/09/19](#)

10 "Nation's governors urge Education Secretary Betsy DeVos to immediately disburse new federal relief funding for schools," Washington Post, [4/06/20](#)

11 "Scalia tightens the reins at the Department of Labor," Wolters Kluwer Employment Law Daily, accessed [05/2020](#)

12 "U.S. labor secretary defends workplace safety record during pandemic," Reuters, [4/30/20](#)

gases.¹³ ***Meanwhile, since February 11, 2020, only four of the 331 rules and proposed rules issued under Transportation Secretary Elaine Chao have explicitly dealt with the pandemic.***

U.S. DEPARTMENT OF AGRICULTURE: Sec. Sonny Perdue's department continued to loosen restrictions of mining on public land as Congress pleaded for him to release aid funding for struggling farmers.¹⁴ Nonetheless, his department pressed on with trying to force 700,000 Americans from food stamps during the pandemic, only temporarily relenting after losing in court.¹⁵ ***Since February 11, 2020, only five of the 55 rules and proposed rules issued under Agriculture Secretary Sonny Perdue have explicitly addressed the pandemic.***

CONSUMER FINANCIAL PROTECTION BUREAU: Director Kathy Kraninger cited the coronavirus as a reason to let banks offer potentially exploitative small-dollar loans like those given by payday lenders and proposed a rule on the collection of controversial "zombie debt," trapping consumers in a cycle of debt. Her deregulatory task force — chaired by a man who once derided efforts against price-gouging during Hurricane Katrina — even solicited industry input amidst the crisis. ***Meanwhile, since February 11, 2020, under Director Kathy Kraninger, CFPB issued only six rules and proposed rules, and three of them explicitly confronted the coronavirus crisis.***

DEPARTMENT OF THE INTERIOR: Sec. David Bernhardt has maintained a "relentless atmosphere" of deregulation — including undermining public lands, encouraging development, jeopardizing conservation efforts, and fast-tracking the removal of pinyon-juniper trees in Nevada — even as local governments struggling with coronavirus pleaded for a pause. ***Meanwhile, since February 11, 2020, none of the 46 rules and proposed rules issued under***

13 "Trump Administration Weakens Auto Emissions Standards," NPR, [3/31/20](#)

14 "Farmers Left to Jockey for Bite of Rescue Funds," Politico, [4/09/20](#)

15 "The Trump Administration Changed Course on Food Stamps Amid the Coronavirus Outbreak After Courts and Congress Intervened," BuzzFeed News, [3/19/20](#)


Secretary of the Interior David Bernhardt have directly addressed the pandemic.

ENVIRONMENTAL PROTECTION AGENCY:

Administrator Andrew Wheeler has pushed a rule change that could "censor public health science," inordinately affecting rules addressed at curbing pollution. ***Meanwhile, since February 11, 2020, only two of the 229 rules and proposed rules issued under EPA Administrator Andrew Wheeler have explicitly dealt with the pandemic.***

VETERANS AFFAIRS: ***Since February 11, 2020, none of the 11 rules and proposed rules issued under Secretary Robert Wilkie have directly addressed the pandemic.***

DEPARTMENT OF ENERGY: ***Since February 11, 2020, only one of the 27 final rules and proposed rules issued under Energy Secretary Dan Brouillette have directly addressed the pandemic.***



Department of Education (ED)

None Of The 15 Rules Issued Under Education Secretary Betsy DeVos Have Explicitly Addressed The Pandemic Since COVID-19 Was Given Its Name.

Date Range	02/11/20 – 05/08/20
Total Number Of Rule & Proposed Rules	15
Number Of Rules Related To COVID-19	0

Education Secretary Betsy DeVos Has Used The Coronavirus Pandemic As A Guise To Push A Policy She Has Had In The Works For Over A Year And Would Not Provide Immediate Relief To Students Impacted By The Disease.

On April 1, 2020, DeVos Proposed New Rules On Higher Education Distance Learning And Claimed The Coronavirus Pandemic “Underscores The Need For Reform.”

On April 1, 2020, DeVos “Proposed New Rules For Governing Distance Learning For Higher Education Students” And Claimed “The Covid-19 National Emergency Underscores The Need For Reform.” “Education Secretary Betsy DeVos on Wednesday proposed new rules for governing distance learning for higher education students, saying the Covid-19 national emergency underscores the need for reform.” [[Press Release](#), U.S. Department of Education, 04/01/20]

The Proposed Rules, However, Have Been In The Works For More Than A Year...

The Distance Learning Proposal “Has Been In The Works For More Than A Year” And “Is Designed To ‘Enhance Educational Quality And Reduce Barriers To Innovation While Maintaining Safeguards To Limit The Risks To Students And Taxpayers.’” “The proposed Distance Learning and Innovation regulation has been in the works for more than a year. It is designed to ‘enhance educational quality and reduce barriers to innovation while maintaining safeguards to limit the risks to students and taxpayers,’ according to the department.” [Nicole Guadiano, “[DeVos proposes new rule for distance learning for higher education](#),” *Politico*, 04/01/20]

...And Would Not Provide Any Immediate Relief In Light Of The Pandemic, As There Will Be “A 30-Day Comment Period” And Then ED “Will Publish A Final Regulation Prior To Nov. 1, 2020.”

The Proposed Rule “May Not Do Much To Help The Current Situation” As There Will Be “A 30-Day Comment Period” And Then “The Department Will Publish A Final Regulation Prior To Nov. 1, 2020.” “But the rule, if approved, may not do much to help the current situation. Following a 30-day comment period, the department will publish a final regulation prior to Nov. 1, 2020.” [Nicole Guadiano, “[DeVos proposes new rule for distance learning for higher education](#),” *Politico*, 04/01/20]

Appropriations Subcommittee Chair Rosa DeLauro Urged DeVos and the Ed Department “Not to Put Its Thumb on the Scale”

While Thanking DeVos for Releasing Funds in April, DeLauro Wrote to the Secretary to Ask for Her Department to Continue Providing Funding without Strings and without Favor. In a letter to Secretary DeVos, Chair of the House Appropriations Subcommittee on Labor, Health and Human Services, and Education Rosa DeLauro wrote, "Though Congress is supportive of states and school districts that want to use CARES Act funding to address distance learning needs, it is one of many important activities, such as summer learning and afterschool programming. Congress did not prioritize one type of activity over another, and it is my view that the Department should not put its thumb on the scale either." [Targeted News Service, 4/22/20]

It Took the Ed Dept. Almost Two Weeks to Begin Releasing CARES Act Fund Applications; Funds Were Then Delayed and Subjected to Discriminatory Carve-Outs

APRIL 9: ED ANNOUNCED RELIEF FUNDS WOULD BE MADE AVAILABLE TO COLLEGES AND UNIVERSITIES ALMOST TWO WEEKS AFTER THE CARES ACT WAS MADE LAW.

ED Made Over \$6 Billion Available To Higher Ed For Applications. "US. Secretary of Education Betsy DeVos announced today more than \$6 billion will be distributed immediately to colleges and universities to provide direct emergency cash grants to college students whose lives and educations have been disrupted by the coronavirus outbreak. The funding is available through the Higher Education Emergency Relief Fund authorized by the Coronavirus Aid, Relief, and Economic Security (CARES) Act, signed into law by President Donald J. Trump less than two weeks ago." [[Department of Education Press Release](#), 04/09/20]

- **Section 18002(a) Of The CARES Act States "The Secretary Shall Issue A Notice Inviting Applications Not Later Than 30 Days Of Enactment Of This Act And Shall Approve Or Deny Applications Not Later Than 30 Days After Receipt."** [["Final Bill Text," Politico](#), 03/25/20]
- **Section 18003(a) Of The CARES Act States "The Secretary Shall Issue A Notice Inviting Applications Not Later Than 30 Days Of Enactment Of This Act And Approve Or Deny Applications Not Later Than 30 Days After Receipt."** [["Final Bill Text," Politico](#), 03/25/20]

DeVos' Team Blamed Colleges and Universities for the Slow Rollout of Money from the CARES Act. "The Education Department says just \$6 million of \$6.28 billion in emergency aid for college students has reached campuses so far, and officials are trading accusations with college leaders over the slow pace of a rollout that's left students waiting for help. [...] The Education Department is placing blame on colleges, accusing college leaders of 'dragging their feet' in submitting applications for money allocated in the bill. Only 27 percent of the more than 5,000 colleges eligible for the program had submitted the paperwork needed to access the funding by Friday, according to the department." [Politico, [4/20/20](#); Department of Education Press Release, [4/09/20](#)]

...Yet the Guidance That Has Been Released Advances the Administration's Discrimination against Undocumented Students. "Guidance issued Tuesday by the Education Department narrows student eligibility for the nearly \$7 billion in emergency grant aid set aside in the stimulus package. Only students who can participate in federal student aid programs can receive money, a stipulation that effectively shuts out undocumented and international students. [...] Collectively, that is at least 1.5 million college students, according to the latest available data. And that is not accounting for others who could be left in the lurch because of the way the guidance is written. The department said students who have not submitted the Free Application for Federal Student Aid, or FAFSA, can still receive grants, but it is requiring colleges to confirm details, such as registration for selective service, that are most readily found on the form." [Washington Post, 4/21/20]

Amid The Pandemic, DeVos Continued Prioritizing Charter Schools While Slow to Respond to Garnishing the Wages of Student Loan Borrowers in Default

April 10, 2020: DeVos Announced Over \$65 Million In New Grants To Help Create And Expand Public Charter Schools. "Education Secretary Betsy DeVos announced more than \$65 million in new grants today to help create and expand more than 100 public charter schools in underserved communities across the country. 'There are hundreds of thousands of kids on charter school wait lists across America, hoping for the opportunity to access an education that will help them reach their full potential,' DeVos said in a statement. 'These critical investments in high-quality charter schools will help make that dream a reality for more students.'" [Politico, [4/10/20](#); [Department of Education Press Release, 4/10/20](#)]

- **Florida, Receiving Second Highest Aid Amount in the Country, Determined Money from the Governor's Emergency Education Relief Fund (GEER) in the CARES Act May Be Applied toward Charter and Private Schools.** "About \$3 billion will be distributed to governors to aid state school systems through the coronavirus crisis, the federal government announced Tuesday. And Florida's cut is the second-highest at about \$173 million. U.S. Secretary of Education Betsy DeVos said in the announcement that the money should be spent on 'continuing education for students of all ages' while regular schooling is disrupted due to the virus. The Florida Department of Education did not immediately respond to questions about how the state might spend the money. The funds are referred to as the Governor's Emergency Education Relief Fund, which is authorized by the Coronavirus Aid, Relief and Economic Security (CARES) Act. The act also fueled about \$6 billion in funding for the country's colleges and universities that was announced Monday. DeVos' announcement Tuesday called the funds "extraordinarily flexible" and "designed to enable governors to decide how best to meet the needs" of students and schools, including charter schools and private institutions." [Tampa Bay Times, 4/14/20]
- **Devos: Grants Are Up to Governors and Is An "Extraordinary Flexible" [sic] Program.** "It will be up to the governors to decide the amount of money that goes to K-12 as opposed to higher education. The Governor's Emergency Education Relief Fund 'is an extraordinary flexible 'emergency block grant' designed to enable governors to decide how best to meet the needs of students, schools, postsecondary institutions, and other education-related organizations,' the Department's statement said. [...] 'Governors have the opportunity to truly rethink and transform the approach to education during this national emergency and ensure learning continues,' DeVos said." [UPI, 4/14/20]

WaPo: DeVos Set Aside \$180 Million from CARES Act Funding for Encouragement of Charter Schools and a Voucher-Like Program. "Within that fund, it set aside \$308 million in emergency education relief 'for grants to states with the highest coronavirus burden.' DeVos is using \$180 million of that money for her 'Rethink K-12 Education Models Grant' program that invites states to find "new innovative ways for students to access K-12 education.' (She is also spending an additional \$127.5 million for a grant competition to reimagine workforce preparation.) The 'three absolute priorities' guiding the K-12 grant competition reflect the DeVos education agenda to expand alternatives to traditional public school districts. [...] The 'microgrants' sound similar to vouchers, which DeVos and President Trump support. [...] The second "absolute priority" under which states can apply for a grant is to develop and/or expand a 'high-quality' statewide virtual school or a course-access program that would let students choose courses from different providers. Those course providers can be from any public school or 'third-party' providers, it says." [Washington Post, [4/30/20](#)]

March 27, 2020: DeVos Alluded "That She May Try To Use The Widespread Pandemic-Driven Shutdown To Create A Path To National School Vouchers" During The Coronavirus Task Force Press Conference. "On Friday afternoon, education secretary Betsy DeVos spoke as part of the coronavirus task force presentation. In eight and a half minutes, she touched on several points, including indications that she may try to use the widespread pandemic-driven shutdown to create a path to national school vouchers." [Forbes, [03/29/20](#)]

Meanwhile, the Education Department Has Yet to Send Letters to Employers Ending the Garnishment of Wages for Those with Student Loans in Default

Up to 285,000 People Could Potentially Still Have Their Paychecks Garnished Despite DeVos Having Said Last Month that Action Would Be Taken. "The Education Department has yet to send letters requesting that employers stop garnishing the pay of student loan borrowers in default, nearly a month after Education Secretary Betsy DeVos promised to take action, according to people familiar with the matter. The Trump administration was lauded for its decision last month to halt the seizure of wages, tax refunds and Social Security benefits to recoup past-due student debt amid the pandemic. But the department has been dragging its feet on a key part of executing that plan. There are several steps involved in ending involuntary collection. Chief among them is notifying an employer to stop withholding money from the borrower's paycheck. It can take employers a couple of weeks to fully process and cease collection, making it critical to get the notices out as fast as possible. [...] As a result, borrowers are still having their paychecks garnished. [...] The department estimates about 285,000 people were having their wages garnished between March 13 and March 26, the latest available data." [Washington Post, 4/22/20]

NY Woman Sued DeVos for Failing to Protect Student Borrowers. "An upstate New York woman who works as a home health aide for less than \$13 an hour claimed in the lawsuit, filed late Thursday, that the federal government seized more than \$70 from her paycheck as recently as last week — nearly a full month after President Donald Trump signed the CARES Act into law. She is suing on behalf of about 285,000 borrowers whose wages are being garnished, according to the lawsuit. DeVos first announced in March that she would take administrative action to automatically stop the Education Department from seizing the wages — and tax refunds — of defaulted student loan borrowers for at least two months. Congress then included that policy in the CARES Act and extended it, prohibiting the Education Department from garnishing wages or tax refunds through Sept. 30. But the proposed class action lawsuit claims that the Education Department hasn't actually halted the practice and is continuing to garnish wages in violation of the CARES Act." [Politico, [5/01/20](#)]

DeVos Pushed Through a Controversial Title IX Rule Protecting Possible Perpetrators in Campus Sexual Misconduct Cases

In May, DeVos and the Department of Education Made Final a Rule that Had Been in Process for Two Years

May 6, 2020: DeVos' Education Department Released Title IX Rules to Protect "All Students." "U.S. Secretary of Education Betsy DeVos took historic action today to strengthen Title IX protections for survivors of sexual misconduct and to restore due process in campus proceedings to ensure all students can pursue an education free from sex discrimination. [...] 'Too many students have lost access to their education because their school inadequately responded when a student filed a complaint of sexual harassment or sexual assault,' said Secretary DeVos. 'This new regulation requires schools to act in meaningful ways to support survivors of sexual misconduct, without sacrificing important safeguards to ensure a fair and transparent process. We can and must continue to fight sexual misconduct in our nation's schools, and this rule makes certain that fight continues.'" [US Dept. of Education Press Release, [5/06/20](#)]

NOTE: The rule was scheduled to be published [May 22, 2020](#) in the federal register and thus is not included in the total numbers above.

DeVos: "We've Been Working on This for More Than Two Years" So Schools Should Have Been Prepared Despite a Global Pandemic. "DeVos and other agency officials on a call with reporters were also asked how the Department of Education expects these regulations to be implemented given how schools are already struggling to allocate funding and manpower during the coronavirus pandemic. DeVos argued that the 'reality

is that civil rights really can't wait, and students' cases continue to be decided. 'We've been working on this for more than two years, so it's not a surprise to institutions that it was coming,' she said." [CNN, [5/06/20](#)]

Women's Rights Groups, Victims' Rights Groups, and University Officials Opposed the New Rules. "The rule, first proposed in 2018, has come under fire from women's rights groups and Democrats, who said it would allow assailants and schools to escape responsibility, discourage victims from coming forward, subject survivors to additional trauma and make college campuses less safe for women. 'It's about silencing survivors,' Sen. Patty Murray (D-Wash.) said on Twitter. She added, 'The Title IX rule is a devastating blow.' The move was also opposed by university officials, who argue that the new rule will turn their campuses into courtrooms incompatible with an academic atmosphere. [...] Even before the [2,033-page regulation](#) was released, opponents were vowing a legal challenge, hoping to halt or at least stall the new rule." [Washington Post, [5/06/20](#)]

Education Advocates Called the Implementation of the Rules During the Coronavirus Epidemic "Appallingly Poor Judgment" But Backers of the Rule Said They Were Racing against the Congressional Review Act Deadline

American Council on Education Even Said Their Organization Tried to Keep DOE from Implementing the Rules During the Pandemic. "On Wednesday, a leading advocacy group for colleges said the decision to implement the rule in the midst of the coronavirus pandemic reflected 'appallingly poor judgment.' [...] Ted Mitchell, president of the American Council on Education, which represents university presidents, said his group pleaded with the agency to hold off issuing the rule during the pandemic. He said that implementing something this complex would be challenging under normal conditions but will be extremely difficult with campuses closed." [Washington Post, [5/06/20](#)]

"The Administration Feared that Passing It Too Late" Would Leave It Subject to the CRA. "The Education Department also wanted to finalize the rule in time to avoid having it rolled back by the Congressional Review Act, which allows Congress to overturn regulations passed in the previous months, GOP officials said. The administration feared that passing it too late might allow Democrats to attempt to undo it if they gain control of Congress next year. The rewrite of Title IX regulation will probably be recorded as the most significant and lasting legacy of DeVos's tenure as education secretary. [...] The new regulation could be undone or modified through legislation if Democrats gain control of Congress and the White House next year. But because it is a formal regulation, a new administration could not simply reverse it the way DeVos did with the informal guidance issued in the Obama era." [Washington Post, [5/06/20](#)]

Department of Labor (DOL)

Only 3 Of The 10 Rules Issued Under Labor Secretary Eugene Scalia Since COVID-19 Was Given Its Name Have Explicitly Dealt With The Pandemic.

Date Range	02/11/20 – 05/08/20
Total Number Of Rule & Proposed Rules	10
Number Of Rules Related To COVID-19	3

The Trump Department Of Labor Announced A Final Rule To Require Unions To File Financial Reports On Their Financial Interests, A Cause That Was "Championed By Conservative Groups."

On March 5, 2020, The Trump Department Of Labor Announced A Final Rule That "Requires Unions To File Annual Financial Reports Concerning Their Trusts." "The U.S. Department of Labor's Office of Labor-Management Standards (OLMS) today announced a final rule to establish the 'Form T-1' Trust Annual Report that requires unions to file annual financial reports concerning their trusts. These annual reports will increase the financial transparency of unions and ensure that members have access to information about their union's financial transactions. The Federal Register will publish the final rule on March 6, 2020." [[Press Release](#), U.S. Department of Labor, 03/05/20]

The DOL Rule Requires Labor Unions To Disclose Trusts In Which They Are "Interested." "The Department of Labor's Office of Labor-Management Standards proposed to re-establish a Form T-1 to capture financial information pertinent to trusts in which a labor organization is 'interested' (section 3(l) "trusts"), as defined by section 3(l) of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA or Act), 29 U.S.C. 402(l); information that has largely gone unreported." [[RIN: 1245-AA09](#), Office of Information and Regulatory Affairs, 05/30/19]

Bloomberg Law: The Proposed Rule Would "Re-Establish Annual Reporting Requirements For Union Trusts, An Issue Championed By Conservative Groups." "The overtime rule release last week overshadowed the news that a proposal to re-establish annual reporting requirements for union trusts, an issue championed by conservative groups, is undergoing White House review. The T-1 Form proposal seemed to get as much attention as a band nerd in high school." [Charles Opfer and Jaclyn Diaz, "[Punching In: The Latest on Overtime and Epstein](#)," *Bloomberg Law*, 03/11/19]

NOTE: Conservative groups include the U.S. Chamber of Commerce ([here](#) and [here](#)), Americans for Tax Reform ([here](#)), and the Freedom Foundation ([here](#)).

A Similar Policy Issued Under The George W. Bush Administration "Faced Legal Challenges From Labor Groups And Was Eventually Overturned Altogether During The Obama Era." "The proposal mirrors a policy from the George W. Bush administration that faced legal challenges from labor groups and was eventually overturned altogether during the Obama era. It's very likely this edition will face the same kind of opposition." [Charles Opfer and Jaclyn Diaz, "[Punching In: The Latest on Overtime and Epstein](#)," *Bloomberg Law*, 03/11/19]

Amidst The Coronavirus Pandemic, Scalia Is Expanding His Discretionary Powers As Secretary Rather Than Protecting The Nation's Workforce – Even As Congress Repeatedly Pushed Him To Do More To Address Coronavirus.

Secretary Scalia Issued A Rule To Have Discretionary Review Of Cases Before Two Labor Boards, The Administrative Review Board (ARB) And The Board Of Alien Labor Certification Appeals (BALCA), Going Into Effect April 20, 2020.

Scalia Issued A "Direct Final Rule" To "Establish A System Of Discretionary Secretarial Review Over Cases Pending Before Or Decided By The Board Of Alien Labor Certification Appeals" And To Make Regulatory Changes To The Timing And Finality Of Decisions Of The Administrative Review Board And The Board Of Alien Labor Certification Appeals. "The Department of Labor is issuing this direct final rule (DFR) to establish a system of discretionary secretarial review over cases pending before or decided by the Board of Alien Labor Certification Appeals and to make technical changes to Departmental regulations governing the timing and finality of decisions of the Administrative Review Board and the Board of Alien Labor Certification Appeals to ensure consistency with the new discretionary review processes proposed in this rule and established in Secretary's Order 01-2020." [[85 FR 13024](#), Federal Register, 03/06/20]

- **The Direct Final Rule Went Into Effect April 20, 2020.** [[85 FR 13024](#), Federal Register, 03/06/20]

The “Department Proposes To Establish Systems Of Discretionary Secretarial Review Over The Decisions Of The ARB And Decisions Of And Appeals Before BALCA.” “To ensure that the Secretary has the ability to properly supervise and direct the actions of the Department, the Department proposes to establish systems of discretionary secretarial review over the decisions of the ARB and decisions of and appeals before BALCA, which will be accomplished through the proposed rule contained herein and the simultaneous issuance of a Secretary’s Order governing the ARB.” [[85 FR 13024](#), Federal Register, 03/06/20]

Meanwhile, Congress Has Repeatedly Pushed Scalia To Protect Workers From Exposure To The Virus And DOL’s Response, After Months Passed, Was That “Public Awareness” Of The Disease Was High So Regulatory Protections By OSHA Were Not Going To Be Implemented – And OSHA Enforcement Dwindled During The Pandemic.

The Trump Administration Put A “Regulatory Process Launched By The Occupational Safety And Health Administration To Mandate Protections From Infectious Disease Exposure” On The Back Burner. A “regulatory process launched by the Occupational Safety and Health Administration to mandate protections from infectious disease exposure was back-burnered by the Trump administration.” [Emily Schwing, “[How OSHA Has Failed to Protect America’s Workers From COVID-19](#),” *Government Executive*, 04/07/20]

A Week “After The First U.S. COVID-19 Case Was Confirmed” House Education And Labor Chairman “Scott Sent A Letter Urging Labor Secretary Eugene Scalia To Prioritize An OSHA Infectious Disease Standard.” “In late January, a little over a week after the first U.S. COVID-19 case was confirmed, Scott sent a letter urging Labor Secretary Eugene Scalia to prioritize an OSHA infectious disease standard.” [Emily Schwing, “[How OSHA Has Failed to Protect America’s Workers From COVID-19](#),” *Government Executive*, 04/07/20]

In March, Scott Again “Asked Scalia To Consider Issuing An Emergency Regulation To Immediately Protect Workers From The Coronavirus” In A Follow Up Second Letter. “He asked Scalia to consider issuing an emergency regulation to immediately protect workers from the coronavirus. Scott followed up with a second letter in March.” [Emily Schwing, “[How OSHA Has Failed to Protect America’s Workers From COVID-19](#),” *Government Executive*, 04/07/20]

Two Weeks After Scott’s Second Letter “Scalia’s Principal Deputy Assistant Secretary” Responded That “Public Awareness Of COVID-19 Is High” And, As Such “OSHA Can Best Meet The Needs Of America’s Workers By Being Able To Rapidly Respond In A Flexible Environment.” “It was another two weeks before Loren Sweatt, Scalia’s principal deputy assistant secretary, responded: “The CDC guidelines ... are universally distributed, and public awareness of COVID-19 is high. [...] OSHA can best meet the needs of America’s workers by being able to rapidly respond in a flexible environment.” [Emily Schwing, “[How OSHA Has Failed to Protect America’s Workers From COVID-19](#),” *Government Executive*, 04/07/20]

Experts Say that OSHA Is Indicating It Will Not Pursue All Investigations of COVID-19-Related Workplace Deaths. “The Occupational Safety and Health Administration has in recent weeks launched investigations into deaths of workers at 34 health care employers across the U.S., federal records show, but former agency officials warn that the agency has already signaled it will only cite and fine the most flagrant violators. [...] An April 13 OSHA memo said the agency would prioritize death investigations involving health care workers and first responders. It said “formal complaints alleging unprotected exposures to COVID-19 ... may warrant an on-site inspection.” Michaels, the former Labor Department official, said a subsequent OSHA memo suggested that officials are unlikely to penalize all but the most careless employers. The memo about employers’ “good faith” efforts said a citation may be issued “where the employer cannot demonstrate any efforts to comply.” Michaels said that “any efforts” to comply with work safety rules could amount to making even one phone call to try to buy masks for workers.” [Kaiser Health News, [4/22/20](#)]

Analysis: Only 1.2 Percent of COVID-19-Related Complaints Have Been Investigated. "Before President Donald Trump declared the outbreak a national emergency on March 13, OSHA and OSHA-approved state plans were conducting inspections at a rate of 217 a day. After the declaration, that rate fell to 60 a day, according to the analysis. The number of citations issued by the agency since the emergency declaration has also fallen by nearly 70 percent, compared to the same period in 2019 and 2018. OSHA has said it's received more than 2,400 Covid-19 related complaints, but its records indicate the agency logged only 216 Covid-19-related inspections. Through the end of April, only 1.2 percent of the 17,698 inspections OSHA reported were related to Covid-19, according to the analysis." [Politico, [5/01/20](#)]

March 19, 2020: Amidst The Pandemic, The Department Of Labor Issued Guidance That A Diesel Powered Engine Was Approved For Usage By Coal Mine Operators Made By Caterpillar – One Of The Top Companies In Lobbying.

On March 19, 2020, The Department Of Labor Issued Guidance Clarifying A Caterpillar Engine Was Approved For Usage By Coal Mine Operators.

On March 19, 2020, The Department Of Labor Issued Guidance Clarifying "That Caterpillar Model 3306 PCNA Diesel Engines Installed In Permissible Equipment Bearing Approval Plates (7E-B003) Are Approved For Use" For Underground Coal Mine Operators. "This Program Policy Letter (PPL) affects underground coal mine operators using diesel-powered equipment, miners and miners' representatives, and Coal Mine Safety and Health (CMS&H) enforcement personnel. [...] This PPL clarifies that Caterpillar Model 3306 PCNA diesel engines installed in permissible equipment bearing approval plates (7E-B003) are approved for use in permissible equipment even though the approval plates indicate the engines are approved only as Category B (nonpermissible) engines." [[Approval Plate for Caterpillar Model 3306 PCNA Diesel Engine](#), U.S. Department of Labor, 03/19/20]

Caterpillar Inc. Had Spent \$3,230,000 In Lobbying For 2019, Ranking It The 167th Company For Lobbying That Year. [Open Secrets – "Caterpillar Inc.," accessed [4/10/20](#)]

Department of Transportation (DOT)

Only 4 Of The 331 Rules And Proposed Rules Issued Under Transportation Secretary Elaine Chao Since COVID-19 Was Given Its Name Have Explicitly Dealt With The Pandemic.

Date Range	02/11/20 – 05/08/20
Total Number Of Rule & Proposed Rules	331
Number Of Rules Related To COVID-19	4

Trump's NHTSA And EPA Dramatically Weakened CO2 Emissions Standards And Preempted States' Strong Greenhouse Emissions Requirements While Raising The Financial Bar At Which Oil Spills Must Be Reported.

The Trump National Highway Traffic Safety Administration (NHTSA) And Environmental Protection Agency (EPA) Significantly Weakened CO2 Emissions Standards And Preempted Strong State Requirements.

The U.S. Department of Transportation's National Highway Traffic Safety Administration And Environmental Protection Agency Issued A Final Rule Setting CO2 Emissions Stringency Standards. "The U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA) and the U.S. Environmental Protection Agency (EPA) released the final Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks, setting Corporate Average Fuel Economy (CAFE) and CO2 emissions stringency standards." [["Backgrounder: Final SAFE Vehicles Rule,"](#) National Highway Traffic Safety Administration, 03/31/20]

The Rule "Weakens Standards Beyond The Request Of Any Automaker" And Preempts California's Greenhouse Gas Standards, Which Have Been Adopted By 13 States. "The rule, finalized by the Environmental Protection Agency (EPA) and Department of Transportation, weakens standards beyond the request of any automaker. This rule follows the September 2019 finalization of Part 1 of the rule that preempts the historic authority of California to set and enforce its own greenhouse gas tailpipe standards, as well as that of the 13 additional states that have adopted those standards, including Delaware." [[Press Release](#), U.S. Senate Committee on Environment and Public Works, 03/31/20]

Sen. Tom Carper (DE): "'[...] This Rule Will Lead To More Greenhouse Gas Emissions, More Premature Deaths And Higher Consumer Costs.'"

Sen. Tom Carper (DE), Ranking Member Of The U.S. Senate Committee On Environment And Public Works, Said, "'The Reality Is That This Rule Will Lead To More Greenhouse Gas Emissions, More Premature Deaths And Higher Consumer Costs.'" [[Press Release](#), U.S. Senate Committee on Environment and Public Works, 03/31/20]

DOT's Pipeline and Hazardous Materials Safety Administration Proposed Amendments to Oil and Hazardous Liquids Pipeline Regulations that Would More than Double the Threshold in Financial Damage Pipeline Operators Could Inflict Before Being Required to Report an Accident.

Amendments to PHMSA's Rules Include an Increase from \$50K to \$118K the Damage Threshold after Which a Pipeline Operator Would Need to Issue a Report. "Federal regulators have proposed a series of amendments to oil and hazardous liquids pipeline regulations in order to comply with President Donald Trump's executive orders to cut regulatory costs and promote U.S. energy independence. The U.S. Pipeline and Hazardous Materials Safety Administration, or PHMSA, proposals would repeal, replace or revise sections of federal pipeline safety regulations that govern how operators submit records during inspections and investigations, prepare oil spill response plans, report accidents and monitor their systems. The changes were made public on April 15 in a document scheduled to be published in the Federal Register on April 16, asking for public comment. [...] Another section for which PHMSA proposed amendments is Part 195, which includes safety regulations for transporting hazardous liquids and carbon dioxide. One proposal would no longer require pipeline operators to report accidents when they cause at least \$50,000 of damage and instead change the threshold to \$118,000. [...] The agency put forward the amendments following two rounds of public comment initiated by its parent agency, the U.S. Department of Transportation. The first round sought to identify regulations that create obstacles to transportation infrastructure projects, while the second looked for rules that hold back job creation or conflict with the Trump administration's policies to reduce regulatory burdens." [SNL Gas Week, 4/20/20]

Secretary Chao, Whose Family Runs A Shipping Company, Focused DOT Energy On Ensuring The Shipping Industry Was Supported By Her Agency During The Pandemic.

Secretary Elaine Chao's DOT Made Sure To Support The Shipping Industry During the Pandemic.

Chao Voiced Her Support For The Maritime Industry, Specifically Discussing How The Shipping Industry Was Being Affected During COVID-19. "Today, Transportation Secretary Elaine L. Chao joined Maritime Administrator Mark H. Buzby in a call with CEOs, Presidents and other senior officials of the maritime industry. During the call, Secretary Chao voiced her support for the Maritime Industry and the challenges they face at this time. Secretary Chao and Administrator Buzby briefed maritime industry partners on Departmental activities concerning COVID-19 and provided industry leaders the opportunity to share their insights, questions and concerns with the Secretary, DOT, MARAD and other Government Interagency Partners. Topics discussed included the overall status of maritime industry operations, including personnel (staff/contractors), any disruptions, and its impact on the cargo movement in the U.S. and overseas." [MARAD - Press Release, [4/2/20](#)]

Chao's Family Runs A Shipping Company

Elaine Chao's Father, James Chao, Founded Foremost Group. "McConnell is married to Transportation Secretary Elaine Chao, whose family owns a New York shipping company named Foremost Group. The company was founded as Foremost Maritime Corp. by McConnell's father-in-law, James S.C. Chao." [Washington Post, [05/04/18](#)]

James Chao Claims That Elaine Chao Helped Build Foremost Shipping. "He also describes how his daughter worked to build up [Foremost Shipping] when she was in college, though her involvement is not listed on her financial-disclosure form." [Intelligencer, [05/07/18](#)]

Elaine Chao's Sister Angela Is CEO Of Foremost Group While Her Other Sister Christine Is General Counsel At Foremost Group. "Foremost Group is a family enterprise, with Elaine Chao's sister Angela serving as CEO and her sister Christine as general counsel. James Chao, in the videos, cites Elaine's work as a college student helping to build up the business. In one video, which appears to have been made as a Lunar New Year greeting, a seated James appears with Elaine and Angela to wish viewers a 'happy, healthy, safe and successful new year in the upcoming Year of the Dog.'" [Politico, [05/06/18](#)]

Elaine Chao Called Shipping Her Family's Tradition. "My own career started in shipping as well I worked at Foremost for two years before attending Harvard Business School. After Business School, I was a shipping banker with Citicorp. Then, I worked on transportation and trade policies at the White House. Subsequently, I was appointed Deputy Maritime Administrator at the U. S. Department of transportation; Chairman of the Federal Maritime Commission; and Deputy Secretary of U. S. Department of Transportation. My sister, Angela Chao is now the Deputy Chair of Foremost Group. So, shipping is our family tradition." [Elaine Chao Speech to Conferral Ceremony of National Taiwan Ocean University Keelung, [10/16/16](#)]

Foremost Group Advertises Itself As An American Shipping Company. "Foremost Group is an American shipping company with offices in the United States and Asia. Founded in New York in 1964 by Dr. James S.C. Chao and his late wife, Mrs. Ruth Mulan Chu Chao, the company today is a global leader in the dry bulk shipping industry and has earned a worldwide reputation for its commitment to exceptional service and performance while always holding itself to the highest ethical standards." [Foremost Group, accessed [11/14/18](#)]

The Trump Transportation Department Gave Airlines “Three Big Wins” In Loosening Restrictions On Their \$25 Billion Coronavirus Bailout, Allowing Them To Cut Their Number Of Flight Routes, Lowering City Service Requirements, And Giving Secretary Elaine Chao The Authority To Lift The Bailout Restrictions Even Further.

The Trump Department Of Transportation (DOT) Gave Airlines “Three Big Wins” In Guidance It Issued On The Industry’s \$25 Billion Coronavirus Bailout.

The \$2 Trillion Coronavirus Stimulus Package Gave Airlines “\$25 Billion In Bailout Funds,” But The Industry Was Concerned The Money Would Come With Restrictions, Such As Maintaining “Existing Levels Of Service.” “After President Trump signed the \$2 trillion coronavirus relief package into law on March 27, executives from the top passenger airlines like Southwest Airlines (NYSE:LUV), Delta Air Lines (NYSE:DAL), and American Airlines Group (NASDAQ:AAL) probably breathed sighs of relief. After all, the new law gave them \$25 billion in bailout funds to help maintain payroll and another \$25 billion in loans earmarked for the industry. But three days later, they likely got nervous again, as the Treasury Department issued guidelines for companies that receive that money. In particular, a rule requiring recipients to maintain existing levels of service had some industry insiders worried that they’d have to continue operating expensive empty or near-empty flights to qualify.” [John Bromels, [“The Department of Transportation Just Gave Airline Stocks 3 Huge Wins,” The Motley Fool](#), 04/05/20]

On March 28, 2020, The U.S. Transportation Department Issued Guidelines On The Bailout Funding That “Contained Three Big Wins For The Industry.” “Luckily, on March 28, the U.S. Department of Transportation weighed in with new guidelines, which ought to make the airlines -- and their investors -- relieved again (well, as much as possible in the current economic environment)! Specifically, the guidelines contained three big wins for the industry.” [John Bromels, [“The Department of Transportation Just Gave Airline Stocks 3 Huge Wins,” The Motley Fool](#), 04/05/20]

1. The Trump DOT Will Allow Airlines To Cut Their Number Of Flight Routes Without Violating The Bailout’s “Existing Level Of Service” Requirements.

The First DOT Guideline Allows Airlines To Cut Their Number Of Flight Routes While Still Satisfying The Treasury Department’s “Existing Level Of Service” Requirements For Bailout Funding. “Many airlines have been hoping to get the green light to consolidate routes without penalty. True route consolidation involves removing most of the flights on a particular route -- say, Boston to New York City -- and allowing multiple carriers to book seats on the remaining flight or flights, which are operated by just one carrier. [...] The guidelines don’t go quite that far, but they do allow carriers to consolidate flights to a single airport in each city they serve. So in the above example, if American Airlines flew into LaGuardia, Kennedy, and Newark airports -- all of which serve New York -- it could cut down its flights to just one of those airports and still satisfy the Treasury Department’s “existing levels of service” requirement.” [John Bromels, [“The Department of Transportation Just Gave Airline Stocks 3 Huge Wins,” The Motley Fool](#), 04/05/20]

2. The Trump DOT Is “Generously Interpreting ‘Service To’ A City” To Ease The Bailout’s Service Requirements.

In Its Second Guideline, The DOT Is “Generously Interpreting ‘Service To’ A City As Any Flight From Anywhere Into That City.” “The Transportation Department is generously interpreting ‘service to’ a city as any flight *from anywhere* into that city. [...] And since, remember, those flights could come *from anywhere* and still count, an airline that previously flew 60 flights a day into all three New York airports from cities up and down the Eastern Seaboard could operate a single flight from Boston to LaGuardia on weekdays only and it would

be considered to be operating at the same 'level of service' as before." [John Bromels, "[The Department of Transportation Just Gave Airline Stocks 3 Huge Wins](#)," *The Motley Fool*, 04/05/20]

3. Trump Transportation Secretary Elaine Chao Will Have The "The Authority To Determine Whether A Particular Service Obligation Is 'Reasonable Or Practicable,'" Giving Airlines The Opportunity To Plead For Further Cuts.

In The Third Guideline, DOT Secretary Elaine Chao Will Have "The Authority To Determine Whether A Particular Service Obligation Is 'Reasonable Or Practicable,'" And The Airline Industry Is "Encouraged To Submit A List Of Destinations From Which They Believe They Should Be Exempted From Serving." The DOT "recognizes that even with these reduced service levels, it may not be practicable for covered carriers to serve all points previously served in the prevailing operating environment. Likewise, points that may make practical sense to serve now, may not at a later date.' Transportation Secretary Elaine Chao, the DOT asserts, has the authority to determine whether a particular service obligation is 'reasonable or practicable,' and airlines are encouraged to submit a list of destinations from which they believe they should be exempted from serving." [John Bromels, "[The Department of Transportation Just Gave Airline Stocks 3 Huge Wins](#)," *The Motley Fool*, 04/05/20]

Trump's Federal Aviation Administration And DOT Have Made Three Significant Regulatory Changes Unrelated To Coronavirus, Even As The Crisis Worsened.

March 30, 2020: The Federal Aviation Administration (FAA) Issued A Proposed Rulemaking On "An Electronic Pilot Records Database (PRD)," As Required By A 2010 Law.

On March 30, 2020, The Federal Aviation Administration (FAA) And Department Of Transportation (DOT) Published A Notice Of Proposed Rulemaking To "Require The Use Of An Electronic Pilot Records Database (PRD)." "The FAA is proposing to require the use of an electronic Pilot Records Database (PRD) and implement statutory requirements. The PRD would be used to facilitate the sharing of pilot records among air carriers and other operators in an electronic data system managed by the FAA. Air carriers, specific operators holding out to the public, entities conducting public aircraft operations, air tour operators, fractional ownerships, and corporate flight departments would be required to enter relevant data on individuals employed as pilots into the PRD, and this would be available electronically to those entities. In addition, this proposal identifies all air carriers, fractional ownerships, and some other operators or entities that would be required to access the PRD and evaluate the available data for each pilot candidate prior to making a hiring decision." ["[85 FR 17660](#), Federal Register, 03/30/20]

The Rule Was Required By Federal Aviation Administration Reauthorization Bill Of 2010. "PRD proponents said the guidance enhances aviation safety by assisting air carriers in making informed hiring and personnel management decisions using the most accurate and complete pilot records available and electronically accessible. It was required in the Federal Aviation Administration reauthorization bill of 2010 approved by Congress and has been in a beta test phase since December 2017." [Douglas Clark, "[Rep. Higgins addresses Pilot Records Database action](#)," *Transportation Today*, 04/02/20]

February 25, 2020: The FAA Issued A Final Rule To "Enhance The Professional Development Of Pilots," Mandated By A 2010 Law—The FAA Itself Previously Argued The Rule Could "Reduce The Effectiveness" Of Some Forms Of Training.

On February 25, 2020, The Federal Aviation Administration (FAA) And Department Of Transportation (DOT) Issued A Final Rule To "Enhance The Professional Development Of Pilots." "This action amends the requirements primarily applicable to air carriers conducting domestic, flag, and supplemental operations to enhance the professional development of pilots in those operations. This action requires air carriers conducting domestic, flag, and supplemental operations to provide new-hire pilots with an opportunity to observe flight operations and become familiar with procedures before serving as a flightcrew member in operations; to revise the upgrade curriculum; and to provide leadership and command and mentoring training for all pilots in command. This final rule will mitigate incidents of unprofessional pilot behavior and reduce pilot errors that can lead to a catastrophic event." [[85 FR 10896](#), Federal Register, 02/25/20]

The Department Of Transportation Claimed "All Captains Are Now Required To Receive Leadership And Command Training, As Well As Mentoring Training, So That They May Effectively Mentor First Officers." "A DOT news release announcing the effort said, 'All captains are now required to receive leadership and command training, as well as mentoring training, so that they may effectively mentor first officers. Newly-hired pilots will be required to observe flight operations and become familiar with company-specific procedures before operating an aircraft as a flight crew member.' The new rule becomes effective April 27, 2020, and 'will mitigate incidents of unprofessional pilot behavior and reduce pilot errors that can lead to a catastrophic event.'" [Rob Mark, "[DOT Publishes Pilot Professional Development Rule](#)," *Flying Magazine*, 03/03/20]

The FAA Has Argued Parts Of The 2010 Law Requiring The New Rule Would "Reduce The Effectiveness" Of Scenario-Based Training Because "Mentoring Would Have To Be Artificially Introduced." "The rule is another response to a decade-old federal legislation, the Airline Safety and Federal Aviation Administration Extension Act of 2010, as well as to recommendations from the National Transportation Safety Board. [...] The FAA did not actually agree with all provisions of the new legislation, however, commenting in one segment, 'The FAA does not agree that upgrade flight training should include mentoring training, because it cannot be incorporated into upgrade flight training effectively. An opportunity for mentoring would have to be artificially introduced during scenario-based 47 [sic] flight training, which would reduce the effectiveness of that training because the scenario would no longer be realistic.'" [Rob Mark, "[DOT Publishes Pilot Professional Development Rule](#)," *Flying Magazine*, 03/03/20]

February 18, 2020: The Federal Railroad Administration Issued A Final Rule On Risk Reduction Programs Mandated In A 2008 Law.

On February 18, 2020, The Federal Railroad Administration Issued A Final Rule To Require Certain Freight Railroad Operators To "Implement A Risk Reduction Program (RRP) To Improve The Safety Of Its Operations." On February 18, 2020, The Federal Railroad Administration issued a final rule "to require each Class I freight railroad and each freight railroad with inadequate safety performance to develop and implement a Risk Reduction Program (RRP) to improve the safety of its operations. RRP is a comprehensive, system-oriented approach to safety that determines a railroad operation's level of risk by identifying and analyzing applicable hazards, and involves developing plans to mitigate, if not eliminate, that risk." [[85 FR 9262](#)," Federal Register, 02/18/20]

The Rule Was Mandated In The Rail Safety Improvement Act of 2008. "This rule implements a mandate required by the Rail Safety Improvement Act of 2008." [David C. Lester, "[FRA launches risk reduction safety program](#)," *Railway Track & Structures*, 02/18/20]

Department of Agriculture (USDA)

Only 5 Of The 55 Rules And Proposed Rules Issued Under Agriculture Secretary Sonny Perdue Since COVID-19 Was Given Its Name Have Explicitly Addressed The Pandemic.

Date Range	02/11/20 – 05/08/20
Total Number Of Rule & Proposed Rules	55
Number Of Rules Related To COVID-19	5

The USDA Is Continuing To Loosen Regulatory Measures Regarding Mining On Public Lands - While Secretary Perdue Refused To Release Funds To The Nation's Struggling Farmers.

April 1, 2020: The USDA Posted That It "Is Initiating An Environmental Impact Statement" On A Decision To Revise Regulations Minimizing "Adverse Environmental Impacts" On The National Forest System That "Govern Prospecting, Exploration, Development, Mining, And Processing Operations."

On April 1, 2020, The USDA Posted In The Federal Register That It "Is Initiating An Environmental Impact Statement To Inform A Decision To Revise Agency Regulations That Minimize Adverse Environmental Impacts On National Forest System Surface Resources" And Would "Govern Prospecting, Exploration, Development, Mining, And Processing Operations." "The U.S. Department of Agriculture (USDA) is initiating an environmental impact statement to inform a decision to revise agency regulations that minimize adverse environmental impacts on National Forest System surface resources in connection with operations authorized by the Mining Law of 1872, as amended (United States mining laws). These rules and procedures govern prospecting, exploration, development, mining, and processing operations conducted on National Forest System lands authorized by the United States mining laws, subsequent reclamation of the land, and any necessary long-term post-closure resource management." [[85 FR 18186](#), Federal Register, 04/01/20]

April 6, 2020: Senator Schumer Called On Secretary Perdue To Release Aid Money To Struggling Farmers.

Senator Schumer Sent A Letter Calling "On The U.S. Department Of Agriculture To Send Immediate Aid Directly To Struggling Farm Operations." "With some New York dairy farmers forced to dump milk because of bottoming-out prices, Senate Minority Leader Charles Schumer has called on the U.S. Department of Agriculture to send immediate aid directly to struggling farm operations. There are more than 33,000 farms in New York state, Schumer (N.Y.), said. With restaurants, schools and other industries closing nationwide due to coronavirus concerns, farmers are losing major revenue streams. [...] He sent a letter this week to USDA Secretary Sonny Perdue urging release of funds to farmers." [Jim Eckstrom, "[Schumer, Farm Bureau call for funding relief for NY farms](#)," *Olean Times Herald*, 04/09/20]

- "U.S. Senator Charles E. Schumer Today Called On U.S. Department Of Agriculture (USDA) Secretary Sonny Perdue To Immediately Release Funding And Send Aid Directly To New York's Struggling Farmers." [[Press Release](#), Office of U.S. Senator Chuck Schumer, 04/06/20]

The Trump Agriculture Department Pressed Forward In Trying To Force 700,000 Americans Off Of Food Stamps, Even After A Federal Judge Ruled The Program Was “Essential” During The Coronavirus Crisis.

The Trump Agriculture Department Appealed In Federal Court To Proceed With “Food Stamp Changes That Could Force Hundreds Of Thousands From The Program.” “The Agriculture Department said Wednesday that it would appeal a judge’s ruling that it would be “arbitrary and capricious” to move forward during a global health crisis with food stamp changes that could force hundreds of thousands from the program.” [Ashraf Khalil, [“USDA fights to purge food stamps recipients despite pandemic,” PBS NewsHour, 03/10/20](#)]

The Trump Agriculture Department Has Estimated That 700,000 People Would Be Removed From The Program. “Estimates from the Agriculture Department set the number of people who would be removed from the program at approximately 700,000.” [Ashraf Khalil, [“USDA fights to purge food stamps recipients despite pandemic,” PBS NewsHour, 03/10/20](#)]

The Proposed Rule Would No Longer Allow States To Waive The Food Stamp Program’s Work Requirements Due To High Unemployment. “Under the current rules, able-bodied adults without dependents must show they’ve worked at least 80 hours per month for more than three months in a 36-month period to stay in the SNAP or Supplemental Nutrition Assistance Program – commonly known as food stamps. However, individual states have had the ability to waive that work requirement and time limit for areas of the state that have high unemployment rates. The changes, championed by Agriculture Secretary Sonny Perdue, would have taken that waiver ability from the states, starting on April 1.” [Ashraf Khalil, [“USDA fights to purge food stamps recipients despite pandemic,” PBS NewsHour, 03/10/20](#)]

The Federal Judge Presiding Over The Case Ruled That The Food Stamp Program Is “Essential,” “Especially Now, As A Global Pandemic Poses Widespread Health Risks.” “‘Especially now, as a global pandemic poses widespread health risks, guaranteeing that government officials at both the federal and state levels have flexibility to address the nutritional needs of residents and ensure their well-being through programs like SNAP, is essential,’ Howell wrote in her ruling.” [Ashraf Khalil, [“USDA fights to purge food stamps recipients despite pandemic,” PBS NewsHour, 03/10/20](#)]

While Initially Saying It Would Appeal District Court’s Temporary Injunction on Work Requirement Rule, Trump Administration Later Said It Would Hold Off, At Least Temporarily. “The Trump administration, under fire for pushing food stamp cuts in the middle of a pandemic, has decided to hold off on stricter work requirements for adults without children during the national emergency. [...] Initially, the Trump administration [planned to appeal](#) a court decision from the United States District Court for the District of Columbia, which issued a temporary court injunction on its work requirements rule, which were to go into effect on April 1. But it has since changed its tone.” [New York Times, [4/10/20](#)]

- **Before the Administration Claimed It Would Back Off of Work Requirements, Congress Was the Entity to Waive the Requirements for as Long as the Coronavirus National Emergency Existed.** “Congress then stepped in, and in one of its economic stabilization packages, waived the work requirement for the duration of the national emergency, in addition to another month.” [New York Times, [4/10/20](#)]
- **Administration’s Current Stance Is to “Pause” Its Efforts During the National Health Emergency on COVID-19.** “Now the administration has reached agreement with the states that had sued it on a schedule for the remaining events in the case. The agreement is contingent on the department not appealing the temporary injunction, and a final ruling is likely to be issued in the fall. Asked about the department’s plan to appeal the court ruling, Mr. Perdue said the department would ‘comply with the legislation which really pauses that during this public health emergency.’ ‘While we, in a normal situation, were moving in a way

to enforce what the common thinking was regarding food supply, we are going to be as flexible as we can,' he said." [New York Times, [4/10/20](#)]

- **Administration Has Been Vague Regarding Whether It Will Pursue Finalization Of The Rule In The Future.** "But over the weekend, US District Court Judge Beryl Howell blocked the rule changes, finding them to be "arbitrary and capricious." Then, on Wednesday, Trump signed a coronavirus response bill into law that explicitly reverses the Trump rule change – but only during the coronavirus outbreak. The Department of Agriculture won't say whether it will continue to fight the court case. On Wednesday, a department spokesperson told the Associated Press the department "disagrees with the court's reasoning and will appeal its decision." But on Thursday, the department changed course. It refused to say one way or another whether it would appeal the ruling, and released a statement to BuzzFeed News saying, 'we are going to comply with the legislation which really pauses that during this public health emergency.'" [Buzzfeed, [3/19/20](#)]

While COVID-19 Rages at Meatpacking Plants in the United States, the Trump Administration Pursued Defense of a 2019 Rule that Put Meatpacking Workers at Risk

April 1: Federal Judge Ruled in Favor of Continuing a Case the UFCW Brought against the USDA for Putting into Effect Regulations Removing Limits on Line Speeds in Hog Slaughter Plants. "Today, United Food and Commercial Workers (UFCW) International Union and Public Citizen announced that their federal lawsuit to stop the United States Department of Agriculture's (USDA) new swine slaughter modernization rule has been cleared to move forward following a ruling by the United States District Court for the District of Minnesota.[...] The lawsuit filed by UFCW International and UFCW Locals 663, 440 and 2, seeks to halt a USDA rule which eliminates the line speed limits in pork slaughter plants and turns inspection of our food over to the companies that produce it. [...] The nation's union for meatpacking and food processing workers is challenging the rule as unsafe for workers. The court largely denied USDA's efforts to dismiss claims brought by the unions. The ruling, by Judge Joan Ericksen of the United States District Court for the District of Minnesota, held that the unions adequately alleged that the USDA's explanations for disregarding the impact on worker safety when issuing its rule were not rational." [UFCW Press Release, [4/02/20](#)]

Including Two Factories in Minnesota, a USA Today/Midwest Center for Investigative Reporting Study Found "a Rash" of COVID-19 Cases in Meatpacking Plants Across the Country. "A rash of coronavirus outbreaks at dozens of meatpacking plants across the nation is far more extensive than previously thought, according to an exclusive review of cases by USA TODAY and the Midwest Center for Investigative Reporting. And it could get worse. More than 150 of America's largest meat processing plants operate in counties where the rate of coronavirus infection is already among the nation's highest, based on the media outlets' analysis of slaughterhouse locations and county-level COVID-19 infection rates. [...] As of Tuesday night, coronavirus infections had spread in at least 48 U.S. meatpacking plants, sickening more than 2,200 people and killing 17, USA TODAY and the Midwest Center for Investigative Reporting found. The outbreaks also have prompted the closure of at least 17 facilities, including that of the JBS pork plant in Worthington, Minnesota, on Monday." [USA Today, [4/22/20](#)]

- **Meatpacking Industry Notorious for Terrible Working Conditions and "Refusing to Let Their Employees" Even Use the Bathroom, Even to Wash Their Hands."** "The meatpacking industry already has been notorious for poor working conditions even before the coronavirus pandemic. Meat and poultry employees have among the highest illness rates of all manufacturing employees and are less likely to report injuries and illness than any other type of worker, federal watchdog reports have found. And the plants have been called out numerous times for refusing to let their employees use the bathroom, even to wash their hands – one of the biggest ways to reduce the spread of the coronavirus." [USA Today, [4/22/20](#)]

- **USDA Has Relaxed Regulations, Allowing Poultry Plants to Exceed Worker Limits.** "But rather than increase safety and oversight, the U.S. Department of Agriculture relaxed it in the midst of the pandemic. Just this month, the agency allowed 15 poultry plants to exceed federal limits on how many birds workers can process in a minute." [USA Today, [4/22/20](#)]
- **Worker: "There Was No Way to Keep 6 Feet Apart Because the Belt Is So Fast."** "Jean Hakizimana, 34, was employed as a cleaner at Smithfield's Sioux Falls plant and recently tested positive for COVID-19. [...] He wasn't provided with a mask, he said, but one wouldn't have helped anyway because the heavy spraying of water would have just soaked it. 'You can't do the job with the mask,' he said. 'You have to take it off to keep working.' Hakizimana also said social distancing in a meat processing plant, where workers stand about a foot apart, is impossible. 'There was no way to keep 6 feet apart,' he said, 'because the belt is so fast.'" [USA Today, [4/22/20](#)]

Consumer Financial Protection Bureau (CFPB)

Under Director Kathy Kraninger, The Consumer Financial Protection Bureau (CFPB) Issued Only 6 Proposed Rules – And Only 3 Explicitly Confronted The Coronavirus Crisis – Since COVID-19 Was Given A Name.

Date Range	02/11/20 – 05/08/20
Total Number Of Rule & Proposed Rules	6
Number Of Rules Related To COVID-19	3

Amid The Pandemic, The CFPB Solicited Industry Input For Consumer Financial Law Taskforce Run By Todd Zywicki, Who Applauded Price-Gouging During Hurricane Katrina.

On April 1, 2020, The CFPB Posted In The Federal Register That They Were Seeking Information "From Interested Parties" To Aide The Taskforce On Federal Consumer Financial Law.

On April 1, 2020, The CFPB Posted In The Federal Register That They Are "Seeking Comments And Information From Interested Parties To Assist The Taskforce On Federal Consumer Financial Law." "The Bureau of Consumer Financial Protection (Bureau) is seeking comments and information from interested parties to assist the Taskforce on Federal Consumer Financial Law (Taskforce). The Taskforce is an independent body within the Bureau and reports to the Bureau's Director. The Taskforce is charged with developing recommendations on harmonizing, modernizing, and updating the Federal consumer financial laws, as well as identifying gaps in knowledge that should be addressed through research, ways to improve consumer understanding of markets and products, and potential conflicts or inconsistencies in existing regulations and guidance." [[85 FR 18214](#), Federal Register, 04/01/20]

April 1, 2020: CFPB Sought Public Comments, With Information/Assistance For The Taskforce On Federal Consumer Financial Law. "The Bureau of Consumer Financial Protection (Bureau) is seeking comments and information from interested parties to assist the Taskforce on Federal Consumer Financial Law (Taskforce). The Taskforce is an independent body within the Bureau and reports to the Bureau's Director. The Taskforce is charged with developing recommendations on harmonizing, modernizing, and updating the Federal consumer financial laws, as well as identifying gaps in knowledge that should be addressed through

research, ways to improve consumer understanding of markets and products, and potential conflicts or inconsistencies in existing regulations and guidance." [Federal Register - CFPB Request for Action, [4/1/20](#)]

- **CFPB Sought Comments "To Help Identify Areas Of Consumer Protection On Which It Should Focus Its Research" During The Task Force's One-Year Appointment.** "The Taskforce seeks input from the public at this time to help identify areas of consumer protection on which it should focus its research and analysis during the balance of its one-year appointment." [CFPB - Press Release, [3/27/20](#)]

President Trump Has Claimed His Administration "Want[s] To Prevent Price Gouging," And Signed An Executive Order Aimed At Doing So.

March 23, 2020: Donald Trump At A Coronavirus Task Force Briefing: "We Want To Prevent Price Gouging And Critical Health And Medical Resources Are Going To Be Protected In Every Form." TRUMP: "We want to prevent price gouging and critical health and medical resources are going to be protected in every form. Under this directive the Secretary of Health and Human Services is authorized to designate essential health and medical supplies as scarce, so he'll designate certain supplies and medical elements as scarce, and that means it will be a crime to stockpile these items in excessive quantities, which is happening to a relatively small degree we think, but nevertheless, it's happening." ["[President Trump Holds Coronavirus Task Force Briefing](#)," C-SPAN, 03/23/20 (11:10)]

That Same Day, Donald Trump Signed An Executive Order "Aimed At Preventing Price Gouging And Hoarding Of Critical Medical Supplies Amid The Coronavirus Outbreak." "President Trump signed an executive order Monday aimed at preventing price gouging and hoarding of critical medical supplies amid the coronavirus outbreak. Attorney General William Barr detailed the executive order at a White House briefing Monday evening, saying it would prohibit people from accumulating critical supplies amid the coronavirus outbreak in an effort to profit off of them." [Morgan Chalfant, "[Trump signs executive order to prevent price gouging, hoarding of medical supplies](#)," *The Hill*, 03/23/20]

Task Force Director Todd Zywicki Has Argued Anti-Price Gouging Efforts In The Wake Of Disasters Like Hurricane Katrina Are "Economic Folly" And Inflict "Man-Made Pain."

Todd J. Zywicki Was The Chair Of The Taskforce On Federal Consumer Financial Law. "The Consumer Financial Protection Bureau (CFPB) today announced an additional member who will serve on the Taskforce on Federal Consumer Financial Law. [...] Mr. MacLeod joins the following Taskforce members announced by the Bureau last week: Dr. J. Howard Beales, III; Dr. Thomas Durkin, Senior Economist (Retired) at the Federal Reserve Board; L. Jean Noonan, Partner at Hudson Cook; and Todd J. Zywicki (Taskforce chair), Professor of Law at George Mason University (GMU) Antonin Scalia Law School and Senior Fellow of the Cato Institute." [[Press Release](#), Consumer Financial Protection Bureau, 01/17/20]

2005: Todd Zywicki Described Georgia Governor Sonny Perdue's Order Prohibiting "Price-Gouging" In The Wake Of Hurricane Katrina As "Economic Folly" And Said It Represented "Man-Made Pain."

"Lots of interesting commentary on the relationships between economic institutions and Katrina...And at least some neighboring states that were largely untouched by the natural disaster apparently feel obliged to inflict at least some of the man-made pain upon themselves. Georgia, for instance, has issued an executive order prohibiting 'price-gouging' by gas stations that 'overcharge' Georgia drivers. I assume that I need not belabor the economic folly of this sort of legislation for our readers (although imposing anti-gouging rules in a state that did not suffer the natural disaster does seem like a new level of political inspiration)." [Todd Zywicki, "[Institutions and Katrina](#)," *Volokh Conspiracy*, 09/03/05]

- **The Governor of Georgia Had Issued An Emergency Order Suspending State Taxes On Gasoline In Response To A "Price Shock" In The Wake Of Hurricane Katrina.** "Two days after metro Atlanta's hurricane-induced rush on gasoline, the price shock steadied while retailers continued to struggle with dwindling supplies. Friday, Gov. Sonny Perdue attempted to temper prices by issuing an emergency order suspending state taxes on gas today through September. Perdue is calling legislators to Atlanta for a special session Tuesday to ratify his decision. Drivers could see a drop of 15 cents per gallon if market conditions remain the same and station owners use the savings to lower their prices. On Friday, several said they would." [Matt Kempner and Stacy Shelton, "KATRINA AFTERMATH: Spotty gas supply to continue; Governor orders relief from taxes to cut prices," *Atlanta Journal-Constitution*, 09/03/05]

The CFPB Encouraged Financial Institutions To Start Offering Small-Dollar Loans, A Move Seen As Enabling Predatory Loans That "Trap Consumers Into Cycles Of Debt."

The CFPB And Four Other Financial Regulators "Issued Joint Guidance" To "Encourage Financial Institutions To Offer" Small-Dollar Loans.

The CFPB And Four Other Financial Regulators "Issued Joint Guidance Thursday To 'Encourage Financial Institutions To Offer Responsible Small-Dollar Loans To Both Consumers And Small Businesses.'" "All five federal bank and credit union regulators on Thursday called on the financial firms they regulate to offer short-term loans to customers facing hardships during the coronavirus pandemic. The Federal Reserve Board of Governors, Federal Deposit Insurance Corp., Consumer Financial Protection Bureau (CFPB), Office of the Comptroller of the Currency (OCC) and National Credit Union Administration issued joint guidance Thursday to 'encourage financial institutions to offer responsible small-dollar loans to both consumers and small businesses.'" [Sylvan Lane, "[Regulators encourage banks, credit unions to offer small-dollar loans amid coronavirus](#)," *The Hill*, 03/26/20]

Senate Democrats Criticized The Guidance, Accusing CFPB Director Kraninger Of Using The Pandemic "As An Opportunity To Protect Big Banks, Payday Lenders, Debt Collectors, And Other Corporate Interests" Loans As They Offer Predatory Loans That "Trap Consumers Into Cycles Of Debt."

Senate Democrats To Kraninger On Small-Dollar Loan Guidance: "The CFPB Under Your Leadership Has Used This Pandemic As An Opportunity To Protect Big Banks, Payday Lenders, Debt Collectors, And Other Corporate Interests" As They Offer Predatory Loans That "Trap Consumers Into Cycles Of Debt." "Instead of taking bold action to protect consumers, the CFPB under your leadership has used this pandemic as an opportunity to protect big banks, payday lenders, debt collectors, and other corporate interests. On March 26, the CFPB issued guidance that 'encourages' banks and credit unions to issue small dollar loans to consumers. But by failing to include any limitations on what interest rate that can be charged or require that consumers be able to repay the loan, this guidance opens the door for banks and credit unions to offer predatory payday loans that trap consumers into cycles of debt." [[Press Release](#), United States Senate Committee On Banking, Housing, And Urban Affairs, 04/07/20]

The CFPB Proposed A Rule On "Zombie Debt" That Sparked Criticism From Consumer Advocates.

On February 21, 2020, The Consumer Financial Protection Bureau (CFPB) Issued A Supplemental Notice Of Proposed Rulemaking On "The Collection Of Time-Barred Debt." "The Consumer Financial Protection Bureau

(Bureau) today issued a Supplemental Notice of Proposed Rulemaking (Supplemental NPRM) regarding the collection of time-barred debt. The Bureau proposes to prohibit collectors from using non-litigation means (such as calls) to collect on time-barred debt unless collectors disclose to consumers during the initial contact and on any required validation notice that the debt is time-barred." [\[Press Release\]](#), Consumer Financial Protection Bureau, 02/21/20]

- **The Rule Addressed "Zombie Debt" That Has Passed The Statute Of Limitations.** "A proposal from the Consumer Financial Protection Bureau could spark a fight about what should happen to consumers' old debt. Debt collectors lose the right in many states to sue consumers after their debt reaches its statute of limitations, typically three or more years. But there's a loophole: If the consumer makes a payment or acknowledges the debt in writing, that can be used to try to revive the life of the debt, creating what some consumer advocates call 'zombie debt.' The CFPB estimates millions of consumers are contacted about such time-barred debt every year. In a new proposal, the bureau says debt collectors could continue to try to collect on those old debts but would have to tell consumers upfront they are outside their statutes of limitations and the consumer can no longer be sued to recoup the money." [Renae Merle, "[Zombie debt: CFPB proposal could trick consumers into bringing dead debts back to life](#)," *The Washington Post*, 02/25/20]

The CFPB's New Proposal Allows Debt Collectors To Continue Collecting Zombie Debts As Long As They "Tell Consumers Upfront They Are Outside Their Statutes Of Limitations And The Consumer Can No Longer Be Sued." "In a new proposal, the bureau says debt collectors could continue to try to collect on those old debts but would have to tell consumers upfront they are outside their statutes of limitations and the consumer can no longer be sued to recoup the money." [Renae Merle, "[Zombie debt: CFPB proposal could trick consumers into bringing dead debts back to life](#)," *The Washington Post*, 02/25/20]

- **Consumer Advocates Were Disappointed With The Rule And Called For The CFPB To "Bar The Collection Of Debts That Have Passed Their Statute Of Limitation Altogether."** "But consumer advocates say the CFPB proposals don't go far enough in protecting consumers. It is 'disappointing,' said Linda Jun, senior policy counsel for Americans for Financial Reform. The CFPB should bar the collection of debts that have passed their statute of limitations altogether, he said." [Renae Merle, "[Zombie debt: CFPB proposal could trick consumers into bringing dead debts back to life](#)," *The Washington Post*, 02/25/20]

Debt Collection Trade Group Report Claimed The Industry Collects "Tens Of Billions Of Dollars" From Debt Past The Statute Of Limitations Every Year. "Consumer advocates and financial experts say the fate of these old debts is becoming more pressing as the country's consumer debt reaches record levels – more than \$4 trillion this year – and the industry is able to bring in 'tens of billions of dollars' from debt past the statute of limitations every year, according to a report by the Receivables Management Association International." [Renae Merle, "[Zombie debt: CFPB proposal could trick consumers into bringing dead debts back to life](#)," *The Washington Post*, 02/25/20]

Department of Interior (DOI)

None Of The 46 Rules And Proposed Rules Issued Under Secretary Of The Interior David Bernhardt Since COVID-19 Was Named Have Directly Addressed The Pandemic.

Date Range	02/11/20 - 05/08/20
Total Number Of Rule & Proposed Rules	46
Number Of Rules Related To COVID-19	0

The DOI Pushed A “Relentless Atmosphere” Of Deregulation, Even As Local Governments Struggling With Coronavirus Pleaded For A Pause.

The Interior Department Is Proceeding With A “Relentless Atmosphere” Of Deregulation Even Though Local Governments Have Asked For A Pause During The Coronavirus Pandemic

Local Governments Across The United States Have Asked The Trump Administration To Suspend Rulemaking While They Deal With The Global Coronavirus Pandemic. In a letter, to the White House, local governments wrote, “On behalf of the nation's states, cities, and counties, we write to request a formal pause, beginning on March 11, for all open public comment periods concerning both active rulemakings and non-rulemaking notices across every federal department or agency. State and local government policymakers’ thoughtful input into proposed federal agency actions is a vital component of our democratic system and provides federal agencies with much-needed perspectives and potential impacts of federal actions. We recognize that our members are facing massive challenges in reposting to, and as a result of, this global pandemic.” [Local Governments Letter to the White House, [03/20/20](#)]

Interior Staff Described A “Relentless Atmosphere” On Proceeding With Deregulation. “A dozen federal workers, who spoke on the condition of anonymity because they were not authorized to talk publicly about agency work, all described a relentless atmosphere at the Environmental Protection Agency and the Interior Department. Several people said they had been told to expect no “slippage” or relaxation of deadlines, although thousands of federal employees, like much of the nation, are working from home and juggling child care and work responsibilities.” [New York Times, [03/25/20](#)]

Interior Is Plowing Ahead With Projects To Promote Development At The Expense Of Public Land

Interior Was Moving Ahead On Oil And Gas Leasing At Full Speed.

Interior Was Still Holding Planned Oil And Gas Lease Auctions. “Interior officials announced today that ‘telework-eligible’ Washington-based staff will shift to mandatory telework status, although it has yet to address the bulk of employees who are spread across the country. But such shifts won’t affect looming oil and gas lease sales, according to the Bureau of Land Management, since the auctions are already conducted online. ‘Most of BLM’s oil and gas lease sales are run entirely via an online platform (only Alaska does in-person sales, and those are not scheduled until November), so no postponement is planned at this time,’ BLM spokesman Greg Fuhs told E&E News in an email. BLM is scheduled to hold an auction for New Mexico parcels beginning today, and next week will hold sales for lands in Colorado, Montana, Nevada and Wyoming.” [E&E News, [03/17/20](#)]

The Bureau Of Land Management Received Unprecedented, Sometimes Anonymous Nominations To Put Land A Half Mile From Arches And Canyonlands National Parks Up For Oil And Gas Lease Auctions. “The Interior Department has received over 230 nominations for oil and gas leases covering more than 150,000 acres across southern Utah, a push that would bring drilling as close as a half-mile from some of the nation’s most famous protected sites, including Arches and Canyonlands National Parks. The petitions for the Bureau of Land Management’s September lease sale, some of which come from anonymous potential bidders, could transform a region renowned for its pristine night skies and stunning topography. Some of the parcels are also within 10 miles of Bears Ears National Monument’s current boundaries. ‘This is a scale like nothing we’ve seen so far as far as leasing outside our national parks,’ said Erika Pollard, associate director for the southwest region at the National Parks Conservation Association.” [Washington Post, [03/18/20](#)]

The Lease Sales Garnered Little Interest And Rock-Bottom Prices.

BLM Received Bids On Only 40 Percent Of The Acres Offered In Wyoming, Nevada, And Montana. "The Bureau of Land Management (BLM) received bids on just 40% of the 193,584 acres (78,300 hectares) offered for leasing via online auctions in Wyoming, Nevada and Montana, bringing in total high bids of about \$3.3 million, according to results on online marketplace EnergyNet. Wyoming, which held the largest sale of 105 parcels covering 118,292 acres (47,871 hectares), accounted for 99% of the bid total. Wyoming is the top U.S. state for gas production on federal lands and the second-biggest for oil production, according to the U.S. Energy Information Administration. Yet even there, bidding was sparse. Parcels covering just 72,000 acres received bids, and 40% of that acreage sold for the minimum price of \$2 an acre. The average price of \$46 an acre was less than half the average price which exceeded \$100 per acre in a federal lease sale held in Wyoming last year." [Reuters, [03/24/20](#)]

- **Taxpayer Groups Argued It Was An "Inopportune Time" As Treasury Was Unlikely To Collect Significant Income Amid Plummeting Global Oil Prices.** "The Trump administration is pushing ahead with drilling lease sales as oil prices plummet and amid calls from conservation groups and others to suspend business as usual during the coronavirus outbreak. The Bureau of Land Management (BLM) held lease sales in Wyoming, Montana, Nevada and Colorado on Monday, selling oil rights on parcels of public land covering hundreds of thousands of acres. But taxpayer groups argue the sales come at an inopportune time, as oil prices fall to roughly \$23 a barrel, risking generating little income for the treasury." [The Hill, [03/24/20](#)]

Interior Moved Forward On Its Plan To Allow Oil Companies To Kill Birds Protected By The Migratory Bird Treaty Act.

Interior Officials Are "Under Strict Orders To Complete The Rule Eliminating Some Protections For Migratory Birds Within 30 Days." "At the Interior Department, employees at the U.S. Fish and Wildlife Service have been under strict orders to complete the rule eliminating some protections for migratory birds within 30 days, according to two people with direct knowledge of the orders. The 45-day comment period on that rule ended on March 19." [New York Times, [03/25/20](#)]

- **Interior Staff Described A "Relentless Atmosphere" On Proceeding With Deregulation.** "A dozen federal workers, who spoke on the condition of anonymity because they were not authorized to talk publicly about agency work, all described a relentless atmosphere at the Environmental Protection Agency and the Interior Department. Several people said they had been told to expect no 'slippage' or relaxation of deadlines, although thousands of federal employees, like much of the nation, are working from home and juggling child care and work responsibilities." [New York Times, [03/25/20](#)]

Interior Announced A Trophy Hunting Group Attorney For A Top Spot At The US Fish & Wildlife Service In Late March.

Interior Announced The Appointment Of Anna Seidman, A Longtime Lawyer For The Trophy Hunting Group Safari Club International, To A Key USFWS Post. "The Trump administration has hired Anna Seidman, formerly a longtime lawyer at the trophy hunting advocacy group Safari Club International, to lead the U.S. Fish and Wildlife Service's international affairs program. A Fish and Wildlife Service spokesperson confirmed Seidman's appointment in a statement to HuffPost on Friday." [Huffington Post, [03/20/20](#)]

- **Safari Club PAC Contributed \$11,000 To Donald Trump's 2016 Campaign.** "The Safari Club has close ties to the administration — its political action committee donated \$11,000 to President Donald Trump's 2016 campaign — and is one of several groups that successfully lobbied Trump's Interior Department to roll

back prohibitions on importing the trophies of lions and elephants killed for sport in certain African countries." [Huffington Post, [03/20/20](#)]

Interior Is Following Through With Controversial Resource Management Plans That Favor Industry Over Public Lands Conservation.

Bureau Of Land Management Was Moving Forward With Its Lewiston RMP In Montana. "On Valentines Day 2020, the BLM released its proposed Resource Management Plan (RMP) for the Lewistown area, a four-volume document detailing how the agency will prioritize its management of the area's land, water, wildlife and mineral resources in the decades to come. The RMP was immediately and forcefully criticized by environmental organizations for its realignment of priorities, placing more emphasis on expanding resource extraction opportunities than preserving landscape conservation practices." [Great Falls Tribune, [03/23/20](#)]

- **The Administrative Region Included More Than 650,000 Acres Of Public Lands And 1.2 Million Acres Of "Subsurface Resources."** "Within this single administrative region lies more than 650,000 acres of public lands administrated by the Bureau of Land Management, much of it consisting of scattered tracts intermingled with private and state lands. Equally important is the planning area's federal mineral estate 1.2 million acres of subsurface resources administrated by the BLM for the benefit of the American people." [Great Falls Tribune, [03/23/20](#)]
- **Conservationists Objected To The Repeal Of Stream Protections And "The Potential Of Unfettered Development Of Oil And Gas Reserves Within The Federal Mineral Estate."** "Environmentalists take exception to several provisions within the new RMP. Among them are the BLM's decision to not include any of the 27 stream segments nominated for inclusion within the National Wild and Scenic Rivers System, eliminating protections on six of the eight areas previously designated as being of critical environmental concern (ACECs), and offering no additional protections for the 200,000 acres the BLM identified in 2016 as having wilderness characteristics. Their sharpest criticism, however, has been leveled at the potential of unfettered development of oil and gas reserves within the federal mineral estate." [Great Falls Tribune, [03/23/20](#)]

BLM Was Moving Forward With Its Southeastern Oregon Resource Management Plan. "The U.S. Bureau of Land Management in early May aims to release its final plan for 4.6 million acres of BLM-managed land in Oregon. The district in 2019 took comments on a Draft Environmental Impact Statement for the Southeastern Oregon Resource Management Plan Amendment, BLM Vale District Manager Don Gonzalez said." [Capital Press, [03/16/20](#)]

- **Despite Public Comments Concerned About Preserving Wilderness, BLM's Preferred Alternative Would Not Designate Special Management Considerations.** "Gonzalez said some people commenting on the draft EIS wanted to preserve wilderness characteristics on lands deemed to have them. Others expressed concerns about potential development of power-transmission lines and pipelines, and the availability of grazing permits. Vale BLM in the draft EIS preferred the alternative that does not designate any special management considerations for lands found to have wilderness characteristics. These are separate from Wilderness Study Areas that await management decisions by Congress." [Capital Press, [03/16/20](#)]

Interior Announced Fast-Tracker Plan To Bulldoze Thousands Of Pinyon-Juniper Trees In Nevada, Wreaking Ecological Havoc On The Desert Landscape.

Interior Announced A Proposal To Fast-Track The Removal Of "An Unprecedented Number Of Pinyon-Juniper Trees." "The federal government plans to remove an unprecedented number of pinyon-juniper trees in Nevada, contending it will reduce fire risk and improve habitat for sage grouse. And it plans to do it fast. On Monday, the Bureau of Land Management announced a proposal to expedite review and approval of projects

across the west that involve the breaking down of thousands of pinyon-juniper trees in Nevada to make way for the growth of sagebrush, which is vital for the survival of sage grouse, by establishing a new 'categorical exclusion' for the trees under the National Environmental Policy Act." [Nevada Current, [03/12/20](#)]

- **Interior Planned To Use Chaining, A Method That Its Own Management Plan "Found To Irreparably Harm The Landscape."** "As part of the proposal, the BLM plans to use chaining—a controversial practice that involves dragging an anchor chain between two bulldozers to tear trees out of the ground— though the method has been found to irreparably harm the landscape, according to the bureau's own management plan. Heavy equipment use on fragile desert landscapes threatens to spur erosion and encourage flammable invasive species like cheatgrass, which is responsible for increased wildfire threats in western states, scientists say. 'The ground is so disturbed that cheatgrass comes in,' said Laura Cunningham, California Director of the Western Watersheds Project, which has challenged pinyon-juniper tree removal for years. 'When you trample it, drive on it, graze it you create an environment for cheatgrass.'" [Nevada Current, [03/12/20](#)]

Interior Secretary David Bernhardt Said The Categorical Exclusion Would "Eliminate Needless Analysis," But Scientists Say That Will Result In "Far-Reaching" Ecological Consequences. "'Improving sagebrush ecosystems by removing Pinyon-juniper woodland is an established and well-studied practice,' said Secretary of the Interior David Bernhardt. 'If finalized, this proposed categorical exclusion would eliminate needless analysis, so we can more quickly protect and restore sagebrush habitat and reduce the threat of wildfires for the benefit of mule deer, sage-grouse and hundreds of other native species.' But scientists and environmental groups argue the bureau has failed to conduct a thorough environmental analysis for the removal of thousands of acres of native trees, which they believe will have far-reaching consequences for the ecological diversity of the Great Basin. Some critics also contend that if BLM were sincerely concerned about sage grouse it would protect ecosystems with passive restoration techniques, such as closing areas to grazing livestock, instead of allowing them to be compromised by the minerals and livestock industries." [Nevada Current, [03/12/20](#)]

Interior Was Still Advancing Mine Expansions.

BLM Approved An Expansion Of A Gold And Silver Mine In Arizona To Include 497 New Acres Of Public Land And An Open Pit. "The U.S. Bureau of Land Management has approved the proposed expansion of Moss Mine east of Bullhead City. The announcement Wednesday by the BLM's Kingman Field Office clears the way for expansion that will allow mining operations and exploration on about 497 acres of public land in Mohave County, adjacent to Golden Vertex Corp.'s current gold and silver mining operations taking place on 254 acres of private land about five miles east of Bullhead City in the foothills of the Black Mountains. Operations, according to a request submitted last year by Golden Vertex, would include an open pit mine, an expanded heap leach pad, rock stockpiles, solution ponds, buildings and associated roads and infrastructure. In addition, it will permit the company to conduct exploratory drilling on the property." [Mohave Valley Daily News, [03/18/20](#)]

BLM Was Moving Forward With A Proposal To Open A Gold Mine In Nevada. "The Bureau of Land Management, Tonopah Field Office, has prepared an Environmental Assessment for the proposed Mother Lode Exploration Plan of Operations, located seven miles east of Beatty in Nye County. The comment period will be from March 25 to April 23, 2020. Corvus Gold Nevada Inc. proposes to continue exploring the 261-acre Mother Lode Project area for gold. These activities would create up to 145 acres of total ground disturbance. In addition to exploration, CGN has applied for a right of way grant to utilize and maintain the Fluorspar Canyon Road (used to access the project), and to operate and use three existing groundwater wells for water needs associated with the project." [Elko Daily Free Press, [03/25/20](#)]

Interior Was Still Trying To Gut Obama-Era Sage Grouse Management Plans, Despite A Federal Court Injunction.

Despite A Federal Court Injunction, BLM Was Still Accepting Comments On Six Draft Environmental Impact Statements For Sage-Grouse Management Plans. "The BLM has published six draft supplemental environmental impact statements (SEIS) for management of Greater Sage-Grouse habitat on public lands. The draft SEISs address issues identified in an October 16, 2019, Order issued by the U.S. District Court for Idaho that placed a preliminary injunction suspending implementation of sage-grouse plans the BLM adopted in March 2019. You can view or download the state's documents using the links below. The preliminary injunction affects BLM sage-grouse plans in Idaho, Wyoming, Colorado, Utah, Nevada/northeastern California, and Oregon. Draft SEISs for these states are all available for review and comment online through April 6, 2020. Click on the link for each State to reach the respective Documents page. Until the injunction is lifted, the BLM is implementing the plans adopted in 2015 for the affected areas. These plans are also available on the Documents and Reports page for each State, at the links provided above." [BLM ePlanning, accessed [03/26/20](#)]

NOTE: The public comment deadline was later extended to [May 21, 2020](#).

A Federal Court Halted Interior's Plans To Ease Restrictions On Oil Companies Drilling In Sage Grouse Habitat After Finding That BLM Hadn't Adequately Considered How The Plans Would Harm The Grouse. "The Interior Department, Idaho and Wyoming are appealing a court ruling that halted a Trump administration plan to ease land-use restrictions in seven Western states that protect struggling sage grouse. The notices filed Monday say the agency and states will seek a review by the 9th U.S. Circuit Court of Appeals of an October ruling temporarily preventing the U.S. Bureau of Land Management from carrying out the plan. Idaho and Wyoming back the Trump administration plan that eases restrictions on energy companies and other industries put in place by the Obama administration. U.S. District Court Judge B. Lynn Winmill in October said the U.S. Bureau of Land Management hadn't adequately considered how the Trump administration plan could harm sage grouse. He granted a preliminary injunction sought by Western Watersheds Project and other environmental groups until he could rule on the merits of the case." [Associated Press, [12/17/19](#)]

Environmental Protection Agency (EPA)

Only 2 Of The 229 Rules And Proposed Rules Issued Under EPA Administrator Andrew Wheeler Since COVID-19 Was Given Its Name Have Explicitly Dealt With The Pandemic.

Date Range	02/11/20 - 05/08/20
Total Number Of Rule & Proposed Rules	229
Number Of Rules Related To COVID-19	2

Trump's EPA Pushed A Proposal That Could Limit Its Scientific Resources And "Censor Public Health Science."

EPA Quietly Pushed Out Proposal That Had The Potential To Limit Its Scientific Resources

March 18, 2020: EPA Proposed A Change (With A 30-Day Comment Period) To The “Strengthening Transparency in Regulatory Science” Rule. “This SNPRM proposes that the scope of the rulemaking apply to influential scientific information as well as significant regulatory decisions. This notice proposes definitions and clarifies that the proposed rulemaking applies to data and models underlying both pivotal science and pivotal regulatory science. In this SNPRM, EPA is also proposing a modified approach to the public availability provisions for data and models that would underlie significant regulatory decisions and an alternate approach. Finally, EPA is taking comment on whether to use its housekeeping authority independently or in conjunction with appropriate environmental statutory provisions as authority for taking this action. DATES: Comments must be received on or before April 17, 2020.” [Federal Register – EPA Supplemental Notice Of Proposed Rulemaking – 40 CFR Part 30, [3/18/20](#)]

- **The Rule Reportedly Required EPA To Rely On Studies That Disclosed Information On Underlying Data.** “The proposed rule requires the agency to rely heavily on studies that make their underlying data transparent and primarily public when setting pollution standards. The restrictions would apply to research the agency bases regulations on, along with ‘influential scientific information’ the agency disseminates that could affect public policies or private-sector decisions.” [National Association of Counties – Blog Post, [3/18/20](#)]

Environmental Defense Fund Claimed The Rule Would “Severely Limit EPA’s Ability To Rely On The Best Available Science” And “Censor Public Health Science.” “Today EDF sent Environmental Protection Agency (EPA) Administrator Wheeler a letter asking him to immediately halt a new proposed rule advancing the Trump administration’s efforts to censor public health science. The Trump administration proposal would severely limit EPA’s ability to rely on the best available science when making decisions about the protection of public health and the environment – decisions that affect the lives, health and well-being of all Americans. Published this morning amidst the Coronavirus pandemic, this sweeping and dangerous ‘supplemental notice’ comes nearly two years after the agency published a related proposal to restrict EPA’s use of science.” [Environmental Defense Fund – Press Release, [3/18/20](#)]

Rule Would “Significantly Limit” Scientific and Medical Research Used in Determining Public Health Regulations, Especially in Determining Clean Air and Water Rules. “The Trump administration is preparing to significantly limit the scientific and medical research that the government can use to determine public health regulations, overriding protests from scientists and physicians who say the new rule would undermine the scientific underpinnings of government policymaking. A new draft of the Environmental Protection Agency proposal, titled Strengthening Transparency in Regulatory Science, would require that scientists disclose all of their raw data, including confidential medical records, before the agency could consider an academic study’s conclusions. [...] The measure would make it more difficult to enact new clean air and water rules because many studies detailing the links between pollution and disease rely on personal health information gathered under confidentiality agreements.” [New York Times, [11/11/19](#)]

The Trump EPA And NHTSA Dramatically Weakened CO2 Emissions Standards And Preempted States’ Strong Greenhouse Emissions Requirements.

The Trump National Environmental Protection Agency (EPA) And Highway Traffic Safety Administration (NHTSA) Significantly Weakened CO2 Emissions Standards And Preempted Strong State Requirements.

The U.S. Department of Transportation’s National Highway Traffic Safety Administration And Environmental Protection Agency Issued A Final Rule Setting CO2 Emissions Stringency Standards. “The U.S. Department of Transportation’s National Highway Traffic Safety Administration (NHTSA) and the U.S. Environmental Protection Agency (EPA) released the final Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks, setting Corporate Average Fuel Economy (CAFE) and CO2

emissions stringency standards." [["Backgrounder: Final SAFE Vehicles Rule,"](#) National Highway Traffic Safety Administration, 03/31/20]

The Rule "Weakens Standards Beyond The Request Of Any Automaker" And Preempts California's Greenhouse Gas Standards, Which Have Been Adopted By 13 States. "The rule, finalized by the Environmental Protection Agency (EPA) and Department of Transportation, weakens standards beyond the request of any automaker. This rule follows the September 2019 finalization of Part 1 of the rule that preempts the historic authority of California to set and enforce its own greenhouse gas tailpipe standards, as well as that of the 13 additional states that have adopted those standards, including Delaware." [[Press Release](#), U.S. Senate Committee on Environment and Public Works, 03/31/20]

Sen. Tom Carper (DE): "This Rule Will Lead To More Greenhouse Gas Emissions, More Premature Deaths And Higher Consumer Costs."

Sen. Tom Carper (DE), Ranking Member Of The U.S. Senate Committee On Environment And Public Works: "The Reality Is That This Rule Will Lead To More Greenhouse Gas Emissions, More Premature Deaths And Higher Consumer Costs." CARPER: "The reality is that this rule will lead to more greenhouse gas emissions, more premature deaths and higher consumer costs." [[Press Release](#), U.S. Senate Committee on Environment and Public Works, 03/31/20]

Department of Veterans Affairs (VA)

None Of The 11 Rules And Proposed Rules Issued Under Secretary Robert Wilkie Since COVID-19 Was Named Have Directly Addressed The Pandemic.

Date Range	02/11/20 - 05/08/20
Total Number Of Rule & Proposed Rules	11
Number Of Rules Related To COVID-19	0

Department of Energy (DOE)

Only 1 Of The 27 Final Rules And Proposed Rules Issued Under Energy Secretary Dan Brouillette Since COVID-19 Was Named Have Directly Addressed The Pandemic.

Date Range	02/11/20 - 05/08/20
Total Number Of Rule & Proposed Rules	27
Number Of Rules Related To COVID-19	1