Fact Sheet: President Donald J. Trump Directs Repeal of Regulations That Are Unlawful Under 10 Recent Supreme Court Decisions

April 9, 2025

REPEALING UNLAWFUL REGULATIONS: Today, President Donald J. Trump signed a Presidential Memorandum requiring agencies to rescind regulations that are unlawful under 10 recent landmark Supreme Court decisions.

- This memorandum implements President Trump's Executive Order 14219, *Ensuring Lawful Governance and Implementing the President's "Department Of Government Efficiency" Deregulatory Initiative* (February 19, 2025).
- EO 14219 ordered agencies to review and identify their unlawful regulations. Now, President Trump is directing agencies to prioritize that review under 10 recent watershed Supreme Court cases, and to repeal regulations that are unlawful under those cases.

IMPLEMENTING THE LAW FROM RECENT SUPREME COURT DECISIONS: President Trump's memorandum directs departments and agencies to review rules for legality under ten recent watershed Supreme Court decisions:

1. *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024) overturned the *Chevron* doctrine. Accordingly, agencies are to repeal any regulation that is not consonant with the "single, best meaning" of the statute authorizing it. Agencies are also to repeal any regulation that was promulgated in reliance on the *Chevron* doctrine and that could be defended only by relying on *Chevron* deference.
2. *West Virginia v. EPA*, 597 U.S. 697 (2022) was a landmark ruling applying the Major Questions Doctrine, i.e., the principle that an agency cannot claim to discover vast delegations of power on an important issue in a statutory text that doesn't clearly provide such authority. (Agencies cannot "seek to hide 'elephants in mouseholes.'") Accordingly, agencies must repeal any regulation promulgated in violation of the Major Questions Doctrine.
3. *SEC v. Jarkesy*, 603 U.S. 109 (2024) held that it violates the Seventh Amendment for agencies to adjudicate common-law claims in their in-house courts. Agencies accordingly must repeal any regulation authorizing enforcement proceedings that enable the agency's courts to impose judgments or penalties that can only be obtained via jury trial in Article III Courts.
4. *Michigan v. EPA*, 576 U.S. 743 (2015) held that it violates the Administrative Procedure Act for an agency to promulgate regulations without properly considering the cost as well as the benefits. Agencies accordingly must repeal any regulation where the costs imposed are not justified by the public benefits, or where such an analysis was never conducted to begin with.
5. *Sackett v. EPA*, 598 U.S. 651 (2023) ended a twenty-year attempt by the EPA to enforce the Clean Water Act against landowners whose property was near a ditch that fed into a creek, which fed into a navigable, intrastate lake. Agencies accordingly must repeal any regulation inconsistent with a properly bounded interpretation of "waters of the United States."
6. *Ohio v. EPA*, 603 U.S. 279 (2024) struck down an EPA plan under the Clean Air Act that the EPA had adopted after the scientific and policy premises undergirding it had been shown to be wrong. Agencies accordingly must repeal any regulation that does not sufficiently account for the costs it imposes, or for which foundational assumptions have changed and are no longer defensible.
7. *Cedar Point Nursery v. Hassid*, 594 U.S. 139 (2021) held that a law that forced landowners to admit union organizers onto their property violated the Takings Clause. Agencies accordingly must repeal any regulation inconsistent with a proper understanding of the Takings Clause, which protects far more than just real estate from being taken by the government without compensation.

8. *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181 (2023) held that "affirmative action" admission programs violate the Equal Protection Clause of the Fourteenth Amendment. Agencies accordingly must repeal any regulation that imposes racially discriminatory rules or preferences. As the Court said, "[e]liminating racial discrimination means eliminating all of it."
9. *Carson v. Makin*, 596 U.S. 767 (2022) held that a law excluding religious schools from participating in Maine's school-voucher program violated the Free Exercise Clause. Agencies accordingly must review their regulations to ensure equal treatment of religious institutions vis-à-vis secular institutions for purposes of funding and access to public benefits.
10. *Roman Cath. Diocese of Brooklyn v. Cuomo*, 592 U.S. 14 (2020) struck down New York's Covid-era occupancy restrictions on churches and synagogues because they were uniquely harsher than those that applied to "essential" businesses—such as acupuncture facilities. Each agency should review its regulations to ensure at least equal treatment of religious institutions vis-à-vis secular institutions for regulatory purposes.

AVOIDING CUMBERSOME AND UNNECESSARY PROCEDURES: President Trump's memorandum directs agencies to revoke these unlawful regulations expeditiously, using the Administrative Procedure Act's ("APA") "good cause" exception where appropriate. Agencies must move quickly to delete illegal regulations from imposing further burdens on the American people.