



NATaT NATIONAL ASSOCIATION
OF TOWNS AND TOWNSHIPS

Weekly Legislative Update Week of March 6, 2017

Congressional Outlook

Week of March 6

The House and Senate are both in session this week. On Tuesday and Wednesday, the House will consider [10 bills](#) under suspension of the rules, including the "Disaster Simplified Assistance Value Enhancement (SAVE) Act" (H.R. 1214), which would allow more local projects to be eligible for expedited disaster assistance from FEMA and would temporarily increase, to \$500,000, a FEMA cost threshold used to provide disaster assistance under simplified procedures; and a bill (H.R. 1117) which would require FEMA to develop a plan to improve its guidance and record keeping for disaster funding for applicants and grantees. For the remainder of the week, the House will vote on a \$577.9 billion defense appropriations bill for the remainder of FY 2017 (H.R. 1301); the Innocent Party Protection Act (H.R. 725), which would make plaintiffs who have included unrelated in-state defendants in a lawsuit to demonstrate a plausible case against them to keep the suit in state court; the Fairness in Class Action Litigation and Furthering Asbestos Claim Transparency Act of 2017 (H.R. 985), which would make courts find that all potential members in a class action have suffered similar injuries before allowing the lawsuit to move forward; and the Lawsuit Abuse Reduction Act of 2017 (H.R. 720), which would require federal courts to impose monetary sanctions on parties that file frivolous lawsuits.

The Senate on Monday will vote on a House-passed Congressional Review Act (CRA) resolution which would rescind an Obama Administration [rule](#) finalized in August 2016 requiring prospective federal contractors to disclose previous labor law violations when bidding for large federal contracts. The Senate is then expected to turn its attention to nullifying a December 2016 Obama Administration Bureau of Land Management "Planning 2.0" [regulation](#) changing how the BLM develops resource management plans, which the House passed on February 7.

On Monday morning, President Donald J. Trump signed a revised travel ban [Executive Order](#) with significant concessions from his prior directive: exempting existing visa holders from travel limits and removing Iraq from the original list of seven Muslim-majority countries whose citizens were barred from entering the U.S. Later in the week, Trump is expected to sign an Executive

Order instructing the EPA to rewrite its 2015 [Clean Power Plan](#) and withdrawing a January 2016 Interior Department [moratorium](#) on new coal leases on federal lands. In addition, the Trump Administration is set to change course this week on strict vehicle emissions standards established during the Obama Administration. EPA Administrator Scott Pruitt and Transportation Secretary Elaine Chao will jointly announce that the EPA is reconsidering the standards for model years 2022-2025, delivering on a top priority for the auto industry. In addition, the Administration may revoke a federal waiver that allows California to set stricter requirements.

Week in Review

Senate Votes to Confirm Commerce, Interior, HUD, and Energy Secretaries

On Feb. 27, the Senate voted [72-27](#) to confirm Wilbur Ross as the 39th U.S. Secretary of Commerce. On March 1, the Senate voted [68-31](#) to confirm Rep. Ryan Zinke (R-MT) as the 52nd U.S. Secretary of the Interior. On March 2, the Senate voted [58-41](#) to confirm Ben Carson as the 17th U.S. Secretary of Housing and Urban Development and voted [62-37](#) to confirm Rick Perry as the 14th U.S. Secretary of Energy. The only outstanding Cabinet nominees yet to have confirmation hearings and a vote by the Senate are former Georgia Governor Sonny Perdue to be Agriculture Secretary and Alexander Acosta to be Labor Secretary. [Read more...](#)

Trump Signs WOTUS Executive Order

On February 28, President Trump [signed](#) an [Executive Order](#) entitled "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule." The Order calls on the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers to start a review of the WOTUS rule, which gives them broad legal authority to regulate water pollution. The Order does not immediately change the rule, but starts a process that could give the agencies less influence. [Read more...](#)

Trump Delivers First Speech to a Joint Session of Congress

On February 28, President Trump delivered his first [speech](#) to a joint session of Congress, using it to pitch lawmakers on immigration reform; announcing that the U.S. Department of Homeland Security would be creating an office for "Victims of Immigration Crime Engagement"; stating that he wants legislation that produces \$1 trillion in infrastructure, from public and private funding; doubling down on the GOP goal to repeal and replace Obamacare; defending his travel ban and his vetting procedures; praising job growth for big companies, stock growth, new American pipelines, lowering government spending and a government hiring freeze; stating that his Administration is working on tax reform to lower taxes on U.S. companies; and calling education "the civil rights issue of our time," and suggested school choice as the fix. [Read more...](#)

Trump Signs Two Bills and CRA Disapproval Resolution Into Law

On February 28, President Trump [signed](#) the following three bills into law:

- [H.R. 255](#), the Promoting Women in Entrepreneurship Act, which encourages the National Science Foundation to recruit and support women to expand their focus into the commercial world in its entrepreneurial programs;
- [H.R. 321](#), the Inspiring the Next Space Pioneers, Innovators, Researchers, and Explorers (INSPIRE) Women Act, which requires NASA to encourage women and girls to: (1) study science, technology, engineering and mathematics; (2) pursue careers in aerospace; and (3) further the Nation's space exploration efforts; and
- [H.J. Res. 40](#), which nullifies, under the Congressional Review Act (CRA), the Obama Administration's December 2016 Social Security Administration (SSA) final [rule](#) implementing the National Instant Criminal Background Check System (NICS) Improvement Amendments Act of 2007. This rule would have provided for the names of anyone who is receiving benefits from the SSA, has a mental disability and requires a representative payee for assistance with their finances to be automatically entered into the NICS system, thereby restricting those persons from purchasing a firearm. The House and Senate passed the resolution by votes of [235-180](#) and [57-43](#) on Feb. 2 and Feb. 15, respectively.

House Passes SCRUB Act

On March 1, the House passed, by a vote of [240-185](#), the Searching for and Cutting Regulations that are Unnecessarily Burdensome (SCRUB) Act ([H.R. 998](#)), which would establish a nine-member commission to review existing federal rules and regulations and identify those they determine should be repealed. Any recommended repeal that is approved by Congress would result in the specified agency having to rescind the covered rules within sixty days. H.R. 998 would also create a "regulatory cut-go" procedure not dependent on congressional approval that would require any agency issuing a new regulation to repeal an existing regulation of greater or equal value within its jurisdiction that the commission has determined should be abolished. The costs of each new agency regulation must be offset by cost-reductions associated with the repeal of regulations in the inventory of regulations, until each agency completes the repeals of its own regulations specified in the inventory. The House also [adopted](#) three amendments to H.R. 998 before final passage. [Read more...](#)

House Passes OIRA Insight, Reform, and Accountability Act

On March 1, the House passed, by a vote of [241-184](#), the OIRA Insight, Reform, and Accountability Act ([H.R. 1009](#)), which would formally enshrine the White House's Office of Information and Regulatory Affairs (OIRA) into statute and would bar federal agencies from issuing rules with significant economic effects unless OIRA determined the agency took certain required actions, such as assessing costs and benefits, considering alternatives, and minimizing the burden on businesses and local governments. The House also [adopted](#) five amendments to H.R. 1009 before final passage, including an [amendment](#) to "ensure that federal agencies engage their partners in state, local, and tribal governments throughout the regulatory process." [Read more...](#)

House Passes Regulatory Integrity Act

On March 2, the House passed, by a vote of [246-176](#), the Regulatory Integrity Act ([H.R. 1004](#)), which would require all federal agencies to make publicly available on the agency website or on regulations.gov a list of: (1) each pending agency regulatory action; (2) the date of origination of the regulation; (3) most recent status; (4) an estimate of the date of completion of the final rule; (5) a description of the regulatory action; and (6) each public communication about the action

issued by the agency, including the date of communication, the intended audience, the method by which the communication was transmitted, and a copy of the original communication. The bill would also prohibit agencies from publicly disseminating information to "promote" a pending agency regulatory action, language that comes in response to efforts by the EPA to promote its "Waters of the United States" (WOTUS) rule. The House [adopted](#) one amendment to H.R. 1004 before final passage. [Read more...](#)

House Passes CRA Resolution on DOL Workplace Safety Rule

On March 1, the House passed, by a vote of [231-191](#), a Congressional Review Act (CRA) disapproval resolution ([H.J.Res.83](#)) nullifying a December 2016 Obama Administration Department of Labor (DOL) [rule](#) which would have standardized the Occupational Safety and Health Administration's (OSHA) record keeping of work-related injuries and illnesses for five years. The rule was created in order to clarify existing practices and to ensure that employees were being protected, while giving OSHA tools to enforce their continuing obligation to record workplace injuries. [Read more...](#)