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## Weekly Legislative Update Week of May 15, 2017

### Congressional Outlook

#### Week of May 15

The House and Senate are both in session this week. On Tuesday and Wednesday, the House will consider [18 bills](#) under suspension of the rules, many related to National Police Week, including the American Law Enforcement Heroes Act of 2017 (H.R. 1428), which gives preference to local and state law enforcement agencies that hire veterans when applying for federal reimbursement COPS grants that fund academy and field training; and the Strengthening State and Local Cyber Crime Fighting Act of 2017 (H.R. 1616), which would formally authorize the Secret Service's National Computer Forensics Institute, which assists state, local, and tribal law enforcement in combating cybercrime. For the remainder of the week, the House will vote on the Thin Blue Line Act (H.R. 115), which would change the list of "aggravating factors" for juries to consider when sentencing defendants convicted of killing law enforcement officers, fire fighters or other first responders; and the Probation Officer Protection Act of 2017 (H.R. 1039), which would allow probation officers to make warrantless arrests of anyone who obstructed their work.

The Senate this week will vote on the nominations of Jeffrey Rosen to serve as Deputy Secretary of Transportation (second-ranking official at DOT), Rachel Brand to serve as Associate Attorney General (third-ranking official at DOJ), and Iowa Governor Terry Branstad to serve as U.S. Ambassador to China. On Thursday, Deputy Attorney General Rod Rosenstein will brief all 100 Senators regarding President Trump's decision last week to fire former FBI Director James Comey. Three Cabinet members, Treasury Secretary Steve Mnuchin, Agriculture Secretary Sonny Perdue, and Transportation Secretary Elaine Chao, will be testifying at various Committee hearings on the Hill this week related to financial regulation, the state of the rural economy, and infrastructure, respectively.

The Trump Administration is scheduled to publicly release its detailed FY 2018 budget on either Monday or Tuesday next week. House and Senate Appropriations Committees will then begin marking up and voting on all 12 annual appropriations bills for the remainder of May, June, and July, prior to the five-week summer recess in August. Additionally, the Congressional Budget

Office is scheduled to release its cost estimate for the House-passed version of the American Health Care Act early in the week of May 22.

## Week in Review

### President Trump Fires FBI Director James Comey

On May 9, President Trump fired the 7th Director of the Federal Bureau of Investigation, James Comey, who was currently serving the fourth year of his 10-year term and was overseeing an investigation into Russian meddling in the 2016 elections and possible ties to the Trump campaign and top aides. Trump informed Comey of his firing via a [letter](#), stating that "I have received the attached letters from the Attorney General and Deputy Attorney General of the United States recommending your dismissal as the Director of the Federal Bureau of Investigation. I have accepted their recommendation and you are hereby terminated and removed from office, effectively immediately. While I greatly appreciate you informing me, on three separate occasions, that I am not under investigation, I nevertheless concur with the judgment of the Department of Justice that you are not able to effectively lead the Bureau." Trump later admitted in an interview with NBC that he was going to fire Comey regardless of Deputy Attorney General Rod Rosenstein's [recommendation](#) to do so. Senate Minority Leader Chuck Schumer (D-NY), and many other Congressional Democrats, has called upon Deputy Attorney General Rosenstein to appoint an independent special prosecutor to run the Russia investigation rather than continue to let the FBI do so. Rosenstein is scheduled to brief all 100 Senators on the firing of Comey this Thursday, while the Trump Administration is currently interviewing candidates for the new FBI Directorship. [Read more...](#)

### Trump Signs Two Executive Orders

On May 11, President Trump signed the following two Executive Orders:

- Presidential Executive Order on [Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure](#): The order aims to strengthen the cybersecurity of networks within the federal government by having agency heads adhere to an outlined plan. It directs the Director of the American Technology Council to present a report to Trump within 90 days outlining steps to take for a "modern, secure, and more resilient" IT structure. Commerce Secretary Wilbur Ross and Homeland Security Secretary John Kelly are also directed to find ways to "dramatically [reduce] threats perpetrated by automated and distributed attacks"; and
- Presidential Executive Order on the [Establishment of Presidential Advisory Commission on Election Integrity](#): The order creates a commission, led by Vice President Mike Pence, to investigate allegations of voter fraud and voter suppression in the U.S. voting process. The commission, called the "Presidential Commission on Election Integrity," will review vulnerabilities in the election system. It comes following persistent and unfounded claims by President Donald Trump that the 2016 election was rigged and that millions of "illegals" voted to cost him the popular vote.

Read more [here](#) and [here](#).

### Attorney General Sessions Issues Sweeping New Criminal

## Charging Policy

On May 12, Attorney General Jeff Sessions said that he has directed his federal prosecutors to pursue the most severe penalties possible, including mandatory minimum sentences, in his first step toward a return to the war on drugs of the 1980s and 1990s that resulted in long sentences for many minority defendants and packed U.S. prisons. In a May 10 two-page [memo](#) to federal prosecutors across the country, Sessions overturned former Attorney General Eric Holder's sweeping criminal charging policy that instructed his prosecutors to avoid charging certain defendants with offenses that would trigger long mandatory minimum sentences. In its place, Sessions told his more than 5,000 assistant U.S. attorneys to charge defendants with the most serious crimes, carrying the toughest penalties. In a [speech](#) Friday, Sessions said the move was meant to ensure that prosecutors would be "unhandcuffed and not micro-managed from Washington" as they worked to bring the most significant cases possible. [Read more...](#)

## Senate Confirms Air Force Secretary, FDA Commissioner, and U.S. Trade Representative

Last week, the Senate voted [76-22](#) to confirm former Rep. Heather Wilson (R-NM) as the 24th Secretary of the Air Force; [57-42](#) to confirm Scott Gottlieb as the 23rd Commissioner of Food and Drugs at the FDA; and [82-14](#) to confirm Robert Lighthizer as the U.S. Trade Representative, a Cabinet-level position. Read more [here](#), [here](#), and [here](#).

## Senate Fails to Advance Consideration of Obama Administration Methane Rule Rollback

On May 10, the Senate failed to advance, by a vote of [49-51](#), a House-passed Congressional Review Act (CRA) disapproval resolution to nullify an Obama-era Bureau of Land Management [rule](#), finalized in November 2016, which requires that oil and gas producers implement measures and limits to intentional venting, flaring, and leakage of methane from new and existing oil and gas producers on federal lands. Three Republican Senators, Susan Collins (R-ME), Lindsey Graham (R-SC), and John McCain (R-AZ), joined all 48 Senate Democrats in voting against the motion to proceed to a final vote on the resolution, marking the first instance in the 115th Congress that either the House or Senate has voted against passing a CRA disapproval resolution. May 11 marked the final day that the Senate could vote on any CRA disapproval resolutions, which means that only 14 Obama-era rules were successfully nullified by House and Senate Republicans in the 115th Congress. [Read more...](#)

## Trump Signs Bill Nullifying MPO Consolidation Rule Into Law

On May 12, President Trump [signed](#) a bill ([S. 496](#)) into law to nullify the December 2016 final [rule](#) from the Federal Highway Administration and Federal Transit Administration that would force many local Metropolitan Planning Organizations (MPOs) in the same region to merge. The bill, which the Senate passed on March 8 by Unanimous Consent and the House passed on April 27 by a vote of [417-3](#), is different than a resolution under the Congressional Review Act (CRA), in that once the rule is repealed, the Trump Administration or a future Administration will be free to try again with a rule that approaches the subject a bit differently (rules nullified under the CRA cannot be reissued "in substantially the same form"). The rule was broadly unpopular with MPOs and other stakeholders and S. 496 has been endorsed by the National Association of Regional Councils (NARC) and the Association of Metropolitan Planning Organizations (AMPO). [Read more...](#)

## Trump Announces Nominations to Administrative Posts

Last week, the White House announced that the following 19 nominations had been sent to the Senate for consideration:

- **John Kenneth Bush** to be U.S. Circuit Judge for the Sixth Circuit;
- **Joan Louise Larsen** to be U.S. Circuit Judge for the Sixth Circuit;
- **Amy Coney Barrett** to be U.S. Circuit Judge for the Seventh Circuit;
- **David Ryan Stras** to be U.S. Circuit Judge for the Eighth Circuit;
- **Kevin Christopher Newsom** to be U.S. Circuit Judge for the Eleventh Circuit;
- **David C. Nye** to be U.S. District Judge for the District of Idaho;
- **Scott L. Palk** to be U.S. District Judge for the Western District of Oklahoma;
- **Damien Michael Schiff** to be a Judge of the U.S. Court of Federal Claims for a term of fifteen years;
- **Brock Long** to be Administrator of the Federal Emergency Management Agency, Department of Homeland Security;
- **Neil Chatterjee** to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2021;
- **Robert F. Powelson** to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2020;
- **Adam J. Sullivan** to be an Assistant Secretary of Transportation;
- **Andrew K. Maloney** to be a Deputy Under Secretary of the Treasury;
- **David J. Kautter** to be an Assistant Secretary of the Treasury, Tax Policy;
- **Matthew Bassett** to be an Assistant Secretary of Health and Human Services;
- **Robert L. Sumwalt III** to be a Member of the National Transportation Safety Board for a term expiring December 31, 2021;
- **J. Christopher Giancarlo** to be Chairman of the Commodity Futures Trading Commission;
- **Mark Andrew Green** to be Administrator of the United States Agency for International Development; and
- **Jay Patrick Murray** to be Alternate Representative of the U.S. for Special Political Affairs in the United Nations

Trump also announced his intent to nominate the following 11 individuals to various positions last week:

- **Dabney L. Friedrich** to be a District Judge on the U.S. District Court for the District of Columbia;
- **Terry F. Moorer** to be a District Judge on the U.S. District Court for the Middle District of Alabama;
- **Susan Bodine** to be an Assistant Administrator of the Environmental Protection Agency, Enforcement and Compliance Assurance;
- **Brian D. Quintenz** to be a Commissioner of the Commodity Futures Trading Commission for the remainder of a five-year term expiring April 13, 2020;
- **James J. Sullivan, Jr.** to be a Member of the Occupational Safety and Health Review Commission;
- **Brooks D. Tucker** to be an Assistant Secretary of Veterans Affairs, Congressional and Legislative Affairs; and
- Five members of the White House Commission on Combating Drug Addiction and the Opioid Crisis:
  - New Jersey Governor **Chris Christie** (R), to be designated chair;
  - North Carolina Governor **Roy Cooper** (D);

- Massachusetts Governor **Charlie Baker** (R);
- Former Rep. **Patrick J. Kennedy** (D-RI); and
- Harvard University psychobiology professor **Bertha K. Madras**