



NATaT NATIONAL ASSOCIATION
OF TOWNS AND TOWNSHIPS

Weekly Legislative Update Week of July 24, 2017

Congressional Outlook

The House and Senate are both in session this week. The House will consider [24 bills](#) under suspension of the rules, including the FY 2018 Intelligence Authorization Act (H.R. 3180) and the Russia, Iran, and North Korea Sanctions Act, which would impose additional sanctions on these three countries. The House will also vote on a Congressional Review Act (CRA) disapproval resolution (H.J. Res. 111) which would nullify a final rule published by the Consumer Financial Protection Bureau on July 19, 2017 which bars certain companies that sell consumer financial products and services from using pre-dispute arbitration agreements to block class actions in court. For the remainder of the week, the House will vote on the \$789 billion Make America Secure Appropriations Act, 2018 ([H.R. 3219](#)), which bundles together the FY 2018 Defense, Legislative Branch, Military Construction-VA, and Energy-Water Development Appropriations bills, which make up 66 percent of federal discretionary spending and includes \$1.6 billion in funding for President Trump's proposed wall along the U.S.-Mexico border. The House may also consider the 21st Century Aviation Innovation, Reform, and Reauthorization (AIRR) Act ([H.R. 2997](#)), which would reauthorize the Federal Aviation Administration (FAA) and privatizes the Air Traffic Control functions of the FAA.

On Monday, the Senate will vote on the nomination of David Bernhardt to be Deputy Secretary of the Interior, the second-highest ranking individual at the Interior Department below Secretary Ryan Zinke. On Tuesday, the Senate will vote on the motion to proceed to consider the House-passed American Health Care Act (AHCA) of 2017 (H.R. 1628). If the motion to proceed to the bill succeeds, which requires at least 50 of the 51 present Senate Republicans to vote in favor (all 48 Senate Democrats are opposed and Sen. John McCain [R-AZ] is back home in Arizona preparing for brain-cancer treatments), Senate Majority Leader Mitch McConnell (R-KY) would then [likely](#) offer one of two Senate healthcare proposals as a substitute amendment to the AHCA: the Better Care Reconciliation Act (BCRA) of 2017 or the Obamacare Repeal Reconciliation Act (ORRA) of 2017. The BCRA would overhaul Medicaid, end Medicaid expansion, scale back assistance for people buying private coverage, and roll back some of the Affordable Care Act's (ACA) regulations, resulting in 22 million fewer Americans with health insurance in 2026, according to the Congressional Budget Office (CBO). The ORRA is an updated version of 2015

legislation that repeals all funding for the ACA's insurance expansion but keeps its regulations on insurers, leading to 32 million fewer Americans having health coverage 10 years from now, according to the CBO.

This week, President Trump will kick off American Heroes Week, "dedicated to those who put their own lives on the line to protect American lives every day." On Tuesday, the President will deliver a "very special Salute to American Heroes" in Struthers, Ohio. On Wednesday, Trump will take part in an American Legion event at the White House. On Thursday, Trump will welcome first responders from Alexandria, Virginia to the White House. On Friday, the President will travel to New York to meet with NYPD members in Long Island.

Week in Review

House and Senate Appropriations Committees Pass Seven FY 2018 Appropriations Bills

Last week, the full House Appropriations Committee successfully marked up the following five FY 2018 Appropriations bills:

- **FY 2018 Transportation-HUD Appropriations bill:** [passed](#) by a vote of 31-20 and provides \$56.5 billion in discretionary spending for the Departments of Transportation and Housing and Urban Development, in addition to eight related smaller agencies;
- **FY 2018 Homeland Security Appropriations bill:** [passed](#) by a vote of 30-22 and provides \$44.3 billion in discretionary spending for the Department of Homeland Security;
- **FY 2018 Interior-Environment Appropriations bill:** [passed](#) by a vote of 30-21 and provides \$31.4 billion for the Department of the Interior (except Bureau of Reclamation and Central Utah Project), the Environmental Protection Agency, and 19 smaller related agencies, including the U.S. Forest Service and the White House Council on Environmental Quality;
- **FY 2018 Labor-HHS-Education Appropriations bill:** [passed](#) by a vote of 28-22 and provides \$156 billion in discretionary funding for the Departments of Labor, Health and Human Services, Education, and 14 smaller related agencies, including the Institute of Museum and Library Services, the Social Security Administration, the Corporation for Public Broadcasting, and the Corporation for National and Community Service;
- **FY 2018 State-Foreign Operations Appropriations bill:** [passed](#) by voice vote and provides \$47.4 billion in both regular discretionary and Overseas Contingency Operations (OCO) funding.

The full Senate Appropriations Committee successfully marked up the following two FY 2018 Appropriations bills:

- **FY 2018 Energy-Water Development Appropriations bill:** [passed](#) by a vote of 30-1 and provides \$38.4 billion to fund the Department of Energy, the U.S. Army Corps of Engineers, and the Bureau of Reclamation; and
- **FY 2018 Agriculture Appropriations bill:** [passed](#) by a vote of 31-0 and provides \$145.4 billion in discretionary and mandatory spending for the Department of Agriculture and the

Food and Drug Administration.

The full House Appropriations Committee has now marked up all 12 annual FY 2018 Appropriations bills, while the full Senate Appropriations Committee (SAC) has marked up three of the 12 bills; the SAC is scheduled to mark up the FY 2018 Transportation-HUD, Commerce-Justice-Science, and Legislative Branch Appropriations bills during the week of July 24.

House Budget Committee Passes FY 2018 Budget Resolution

On July 19, the House Budget Committee marked up its FY 2018 [Budget Resolution](#) entitled "Building a Better America-A Plan for Fiscal Responsibility." The Committee passed the Budget Resolution by a party-line vote of [22-14](#). The Resolution calls for \$621 billion in defense spending, including money for a border wall, calls for a dramatic reshaping of social welfare programs such as Medicare and food stamps, and assumes \$204 billion in deficit reduction over a decade. Committee passage of the budget resolution marks the critical first step to passing a tax plan under the Senate's 50-vote budget reconciliation rules. However, the Resolution, as is, may not be able to pass the House with the necessary 218 votes, since several members of the conservative House Freedom Caucus think that this plan is not aggressive enough. [Read more...](#)

Trump Administration Outlines Regulatory Unified Agenda

On July 20, the White House released the new Trump Administration's first regulatory plan, a complete list of all federal agency regulatory (and deregulatory) actions. The latest biannual [Unified Agenda](#) includes mostly notices to withdraw or revise regulations, a sharp contrast to the Obama years. Plans for dozens of new rules have disappeared. President Trump has made rolling back federal regulations a top priority of his Administration. In March, he issued a memo specifically directing agencies to prioritize deregulatory actions in the agenda. The Unified Agenda details how EPA intends to withdraw the Clean Power Plan and Clean Water Rule (WOTUS). The Department of Energy is considering modifying its energy efficiency standard program. The Department of Transportation will not likely issue an Obama-era regulation to require highway planners to account for greenhouse gas emissions. And the Interior Department will continue its rollback of several energy development regulations, including the Obama Administration's much litigated hydraulic fracturing rule.

According to the Office of Information and Regulatory Affairs (OIRA) at the White House Office of Management and Budget (OMB), the Unified Agenda represents ongoing progress toward the goals of more effective and less burdensome regulation and includes the following developments:

- Agencies withdrew 469 actions proposed in the Fall 2016 Agenda;
- Agencies reconsidered 391 active actions by reclassifying them as long-term (282) and inactive (109), allowing for further careful review;
- Economically significant regulations fell to 58, or about 50 percent less than Fall 2016;
- For the first time, agencies will post and make public their list of "inactive" rules-providing notice to the public of regulations still being reviewed or considered.

Trump Signs Executive Orders on Infrastructure Advisory Council and Manufacturing

On July 19, President Trump signed an [Executive Order](#) "Establishing a Presidential Advisory Council on Infrastructure." The Order creates a Presidential Advisory Council on Infrastructure within the Department of Commerce in order to "advance infrastructure projects that create high-quality jobs for American workers, enhance productivity, improve quality of life, protect the environment, and strengthen economic growth." The Council will be composed of up to 15 members appointed by Trump, private citizens with expertise in areas such as finance, real estate, construction and environmental policy. The group will submit a report to the president on potential infrastructure projects that could be carried out over the next 10 years, and is scheduled to be dissolved shortly after, unless given an extension by the President.

On July 21, President Trump signed an [Executive Order](#) "Assessing and Strengthening the Manufacturing and Defense Industrial Base and Supply Chain Resiliency of the United States." The Order names national manufacturing as essential to the economic strength and national security of the United States, and calls the loss of manufacturing jobs and an industrial base in the country a threat to national security. In light of this, it demands that the Secretary of Defense and other relevant agencies provide "a comprehensive evaluation of the defense industrial base and supply chains" within 270 days of the executive order. The report will assess the strengths and weaknesses of national manufacturing capabilities, identify the manufacturing goods most essential to national security and recommend pertinent action by the President. [Read more...](#)

House Passes Bill Delaying EPA's Obama-era Ozone Standards

On July 18, the House passed, by a vote of [229-199](#), the Ozone Standards Implementation Act of 2017 ([H.R. 806](#)), which would delay the compliance date for Obama-era ground level ozone standards and would change several important provisions of the Clean Air Act. On Oct. 1, 2015, the EPA issued a final rule to strengthen the National Ambient Air Quality Standards (NAAQS) for ground-level ozone from 75 parts per billion (ppb) to 70 ppb. H.R. 806 would extend, for eight years, EPA's deadline for implementing the NAAQS, changing the deadline from 2017 to 2025. The bill also changes the frequency with which the EPA must conduct reviews of the NAAQS for air pollutants from five years to ten years. H.R. 806 would exempt areas with the worst air quality from establishing contingency measures if they fail to make progress toward achieving the ozone standard. The bill also expands the definition of "exceptional events" that could exempt states from meeting these standards by including high temperatures and drought. The House rejected [six amendments](#) to H.R. 806. [Read more...](#)

House Passes Two Pipeline Streamlining Bills

On July 19, the House passed, by a vote of [254-175](#), the Promoting Cross-Border Energy Infrastructure Act ([H.R. 2883](#)), which would overhaul the presidential permitting process for electric, natural gas and oil projects that would shift the authority to review cross-border oil pipelines to the Federal Energy Regulatory Commission (FERC) from the State Department. The bill would create a new approval process under which only the cross-border segment of a project - that is, the limited portion of a project where it crosses the international border - would be subject to a National Environment Policy Act (NEPA) review. Additionally, it would exempt plans to expand or modify existing cross-border pipelines and transmission lines from any federal approval or environmental review and would also allow for FERC and the Secretary of the Department of Energy to supersede environmental regulations and approve the permit. The House [approved](#), by voice vote, an amendment clarifying the applicability of NEPA to projects affected by the bill, while rejecting two other amendments.

On July 19, the House passed, by a vote of [248-179](#), the Promoting Interagency Coordination for Review of Natural Gas Pipelines Act ([H.R. 2910](#)), which sets statutory deadlines for FERC to act

when considering permits for natural gas pipelines, while allowing FERC to impose deadlines on other federal and state agencies when it comes to these permits. The bill would also require federal and state agencies to accept aerial survey data, and provides that such agencies may grant conditional approvals based on that data, which would allow companies building natural gas pipelines the ability to circumvent property owners' rights when surveying land. The House [approved](#), by voice vote, an amendment directing FERC to consult with Administrator of the Transportation Security Administration regarding the extent of the applicant's compliance with security guidance and best practice recommendations issued by TSA on pipeline infrastructure security, pipeline cybersecurity, pipeline personnel security, and other pipeline security measures designed to ensure the public safety; the House rejected two other amendments. [Read more...](#)

House Passes Hydropower-related Bill

On July 18, the House passed, by a vote of [420-2](#), a bill ([H.R. 2786](#)) to expedite the licensing approval process for hydropower projects. This bill amends the Federal Power Act to revise the criteria for a facility to qualify as a qualifying conduit hydropower facility. Under current law, a hydropower facility must have a capacity that does not exceed five megawatts. H.R. 2786 eliminates this requirement and revises the timeframe for an entity to contest whether their hydroelectric facility meets the qualifying criteria. [Read more...](#)

House Passes Energy Security Bill

On July 18, the House passed, by voice vote, the Enhancing State Energy Security Planning and Emergency Preparedness Act of 2017 ([H.R. 3050](#)), which would enhance the energy emergency planning requirements established in 1990 with the Energy Policy and Conservation Act to strengthen the capability of states to secure the energy infrastructure of the United States against physical and cybersecurity threats and mitigate the risk of energy supply disruptions. Specifically, it would provide federal financial assistance to states to implement, review, and revise State-level energy security plans. [Read more...](#)

House Passes DHS Authorization Act

On July 20, the House passed, by a vote of [386-41](#), the Department of Homeland Security (DHS) Authorization Act of 2017 ([H.R. 2825](#)), which reauthorizes DHS for the first time since it was created in November 2002. The bill covers all components of DHS, including the Transportation Security Agency (TSA) and Customs and Border Patrol (CBP). [Read more...](#)

Senate Confirms Deputy Secretary of Defense and Federal Appeals Judge

On July 18, the Senate voted [92-7](#) to confirm Patrick M. Shanahan to be the 33rd Deputy Secretary of Defense, the second-highest-ranking official at the Department of Defense, below Secretary James Mattis. Shanahan was sworn into office on July 19 during an informal ceremony. On July 20, the Senate voted [51-47](#) to confirm John K. Bush to be a U.S. Circuit Judge for the U.S. Court of Appeals for the Sixth Circuit, which has appellate jurisdiction over the federal district courts in Kentucky, Michigan, Ohio, and Tennessee. Read more [here](#) and [here](#).

Trump Announces Nominations to Administrative Posts

Last week, the White House announced that the following 21 nominations had been sent to the Senate for consideration:

- **Kurt G. Alme** to be U.S. Attorney for the District of Montana for the term of four years;
- **Annemarie C. Axon** to be U.S. District Judge for the Northern District of Alabama;
- **Peter H. Barlerin** to be U.S. Ambassador to Cameroon;
- **John J. Bartrum** to be an Assistant Secretary of Health and Human Services;
- **Liles C. Burke** to be U.S. District Judge for the Northern District of Alabama;
- **Stephen Censky** to be Deputy Secretary of Agriculture;
- **Donald Q. Cochran, Jr.** to be U.S. Attorney for the Middle District of Tennessee for the term of four years;
- **Russell M. Coleman** to be U.S. Attorney for the Western District of Kentucky for the term of four years;
- **Peter E. Deegan, Jr.** to be U.S. Attorney for the Northern District of Iowa for the term of four years;
- **Michael Dourson** to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency;
- **J. Cody Hiland** to be U.S. Attorney for the Eastern District of Arkansas for the term of four years;
- **Daniel J. Kaniewski** to be Deputy Administrator for National Preparedness, Federal Emergency Management Agency, Department of Homeland Security;
- **Joseph Kernan** to be Under Secretary of Defense for Intelligence;
- **Marc Krickbaum** to be U.S. Attorney for the Southern District of Iowa for the term of four years;
- **Brian J. Kuester** to be U.S. Attorney for the Eastern District of Oklahoma for the term of four years;
- **Hester M. Peirce** to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2020;
- **Guy B. Roberts** to be an Assistant Secretary of Defense, Nuclear, Chemical and Biological Defense Programs, Department of Defense;
- **R. Trent Shores** to be U.S. Attorney for the Northern District of Oklahoma for the term of four years;
- **Bart M. Davis** to be U.S. Attorney for the District of Idaho for the term of four years;
- **Jon M. Huntsman, Jr.** to be U.S. Ambassador to Russia; and
- **Joshua J. Minkler** to be U.S. Attorney for the Southern District of Indiana.

Trump also announced that **Anthony Scaramucci** will serve as the new White House Communications Director and **Sarah Huckabee Sanders** will serve as the new White House Press Secretary, replacing Sean Spicer, who announced his intent to resign from the post on July 21. Trump also announced his intent to nominate the following 21 individuals to various positions last week:

- **Rostin Behnam** to be a Commissioner of the Commodity Futures Trading Commission for the remainder of a 5-year term expiring June 19, 2021;
- **Joseph Balash** to be an Assistant Secretary of the Interior, Land and Mineral Management;
- **Samuel H. Clovis Jr.** to be Under Secretary of Agriculture for Research, Education, and Economics;
- **Daniel A. Craig** to be Deputy Administrator, of the Federal Emergency Management Agency, Department of Homeland Security;
- **J. Steven Dowd** to be United States Director of the African Development Bank for a term of five years;
- **Mark T. Esper** to be Secretary of the Army;
- **Kathleen M. Fitzpatrick** to be U.S. Ambassador to Timor-Leste;

- **Anthony Kurta** to be a Principal Deputy Under Secretary of Defense, Personnel and Readiness;
- **Ted McKinney** to be Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs;
- **A. Wess Mitchell** to be an Assistant Secretary of State, European and Eurasian Affairs;
- **Robert L. Wilkie** to be Under Secretary of Defense for Personnel and Readiness;
- **John R. Bass** to be U.S. Ambassador to Afghanistan;
- **Michael J. Dodman** to be U.S. Ambassador to Mauritania;
- **C. J. Mahoney** to be Deputy U.S. Trade Representative, Investment, Services, Labor, Environment, Africa, China, and the Western Hemisphere, with the Rank of Ambassador;
- **Michele J. Sison** to be U.S. Ambassador to Haiti;
- **Mark A. Klaassen** to be U.S. Attorney for the District of Wyoming;
- **J. Douglas Overbey** to be U.S. Attorney for the Eastern District of Tennessee;
- **Byung Jin ("BJay") Pak** to be U.S. Attorney for the Northern District of Georgia;
- **Ronald A. Parsons, Jr.** to be U.S. Attorney for the District of South Dakota;
- **Charles E. Peeler** to be U.S. Attorney for the Middle District of Georgia;
- **Bryan Schroder** to be U.S. Attorney for the District of Alaska.