



Top Stories

7/25/17 – The [House](#) and [Senate](#) Appropriations Committees have both approved a number of FY 2018 appropriations measures that include agriculture, energy, environment, interior, and transportation (House only). While significant uncertainty remains regarding the future of the FY 2018 process, funding levels in both chambers are slightly below FY 2017 levels, but significantly above the spending reductions proposed by the president earlier this year. Stay tuned to NCSL throughout the fall for further updates on FY 2018 appropriations.

7/20/17 – The Trump Administration released its first [Unified Agenda](#) of Regulatory and Deregulatory Actions, which provides an updated report on the actions administrative agencies plan to issue in the near and long term. A number of contentious regulations from the previous administration are listed including: the Clean Water Rule; the Clean Power Plan; the Bureau of Land Management's (BLM) hydraulic fracturing guidelines; and the Department of Interiors (DOI) methane venting and flaring rule, among others.

7/19/17 – President Donald Trump issued an executive order (EO) [“Establishing a Presidential Advisory Council on Infrastructure.”](#) The 15-member council will report on “funding, support, and delivery of infrastructure projects in several sectors, including surface transportation, aviation, ports and waterways, water resources, renewable energy generation, electricity transmission, broadband, pipelines, and other such sectors as determined by the council.”

7/3/17 – The U.S. Court of Appeals for the District of Columbia Circuit [ruled 2-1](#), vacating the administration's decision to delay Environmental Protection Agency's (EPA) Final Rule, [“Oil and](#)

[Natural Gas Sector: Emission Standards for New, Reconstructed and Modified Sources,”](#) also known as EPA's methane rule. EPA had imposed a [90-day moratorium](#), which was later extended to [two years](#) on the enforcement parts of the regulation. The court ruled that the agency's decision was “unreasonable,” “arbitrary” and “capricious,” stating that the agency didn't have the authority under the Clean Air Act to block the rule.

7/2/17 – EPA [released](#) its proposal for FY 2018 Renewable Fuel Standards (RFS), which included a reduction in advanced biofuel levels to 4.24 billion gallons in advanced biofuels, down from 4.28 billion in FY 2017. Additionally, within the advanced biofuel category, the mandate for cellulosic ethanol was cut to 228 million gallons, down 23 percent from 2017. The proposal maintained the required level of 15 billion gallons of conventional biofuels.

6/27/17 – A Congressional Research Service (CRS) [report](#) on the constitutional limits on states' efforts to “uphold” the Paris Agreement indicated they may be unconstitutional. The report indicates that “when there is a conflict between state legislation and the foreign affairs policy of the federal government (as expressed in federal law, or international agreement), the court has deemed state law invalid under the doctrine of federal preemption.” Currently, at least 14 states, 1 territory and 200 U.S. cities have committed to the Paris Agreement after the president announced his decision to exit the accord.

6/27/17 – EPA and the U.S. Army Corps of Engineers (USACE) [proposed](#) a rule to rescind the 2015 definitional “Waters of the United States” rule, otherwise known as the Clean Water Rule or WOTUS, and to recodify the regulatory text that existed prior

to the promulgation of the 2015 rule. The proposed rule follows the February executive order on "[Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule](#)," which directed the agencies to review, and potentially rescind WOTUS. The rescinding of the rule is the first step in a [two-step process](#) to rewrite the divisive rule. On July 12, the House Appropriations Committee advanced the [FY 2018 Energy and Water Development Appropriations Bill](#) containing language that would exempt the administration's repeal of WOTUS from the [Administrative Procedure Act](#), effectively exempting the agencies from providing for public participation in the rulemaking process.

From Congress

7/24/17 – The Senate approved David Bernhardt, [53-43](#), as Deputy Secretary of DOI. Bernhardt has served many roles at the department, including solicitor general and chief legal officer.

7/20/17 – The House approved [H.R. 218, 248-179](#), which allows for the exchange of more than 43,000 acres of Alaska state land for 206 acres of federal land within the Izembek National Wildlife Refuge. The land would be used to build an 11-mile, single-lane gravel road connecting the towns of King Cove and Cold Bay.

7/18/17 – The House passed, [229-199](#), the [Ozone Standards Implementation Act](#). The bill amends the Clean Air Act, extending the National Ambient Air Quality Standards review cycle from five to 10 years, and delays the implementation of the former administration's ozone reduction regulations until 2024.

7/13/17 – The House Energy and Commerce Subcommittee on Environment [advanced](#) the Drinking Water System Improvement Act, which would authorize \$8 billion over five years for the drinking water state revolving loan fund program, and would require states to spend a minimum share of federal dollars on disadvantaged communities, encourage the removal of lead service lines and require projects supported with federal funds to be made with American-made iron and steel.

7/10/17 – The Senate approved [Neomi Rao, 54-41](#), as Administrator of the White House Office of Management and Budget's Office of Information and Regulatory Affairs. Rao is an associate professor of law and founder of the Center for the Study of the Administrative State at the Antonin Scalia Law School.

6/29/17 – The Senate Agriculture Committee unanimously approved legislation to reauthorize the Pesticide Registration Improvement Act (PRIA). The [Pesticide Registration Improvement Extension Act](#) would be the fourth reauthorization of PRIA, would renew the law for an additional seven years, and increase the user fees paid by industry to cover costs associated with product approval. Funding is also included for farm worker safety programs and environmental grants.

6/28/17 – The House Energy and Commerce Committee approved, by a unanimous voice vote, the [Brownfields Enhancement, Economic Redevelopment, and Reauthorization Act of 2017](#), which would reauthorize the Brownfields program, and increase the grant size per site. The Brownfields program provides grants and technical assistance to communities, states, tribes and others to assess, safely clean up and sustainably reuse contaminated properties.

6/27/17 – The House Energy and Commerce committee approved the [Nuclear Waste Policy Amendments Act of 2017](#). The legislation would make the first changes in 30 years to the Nuclear Waste Policy Act, which names Yucca Mountain as the nation's sole waste repository. The bill includes sections regarding interim storage locations, payments to host states and limits to work on a defense waste-only repository. NCSL [sent](#) a letter to the Subcommittee's Chairman, John Shimkus, advocating for the inclusion of elements of [NCSL's Radioactive Waste Management policy](#), including the requirement for state consent.

From the Administration

7/25/17 – EPA's Superfund Task Force [announced](#) 42 specific and detailed recommendations to streamline and improve the

Superfund program. EPA Administrator Scott Pruitt signed a directive outlining 11 recommendations that should be taken immediately.

7/25/17 – DOI [proposed](#) rescinding BLM's 2015 rule entitled, "[Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands](#)." The rule is not currently in effect as it was stayed by the U.S. District Court for the District of Wyoming. The court determined that BLM did not have the authority to enforce the rule.

7/19/17 – EPA [selected](#) 12 projects to apply for Water Infrastructure Finance and Innovation Act (WIFIA) loans. In FY 2017, the program received \$25 million in funding, including an additional \$8 million in the Consolidated Appropriations Act of 2017. The projects will also leverage more than \$1 billion in private capital and other funding sources including EPA's State Revolving Fund (SRF) loans, to finance a total of \$5.1 billion in water infrastructure investments.

7/17/17 – The Department of Treasury [announced](#) that it will use U.S. "voices and votes" to "help countries access and use fossil fuels more cleanly and efficiently," a shift from previous guidance which eliminated support for overseas financing of coal power plants.

7/17/17 – EPA [announced](#) plans to retain current national ambient air quality standards (NAAQS) for nitrogen dioxide, without revision, following a five-year review. EPA must have a final rule in place by April 2018.

7/6/17 – DOI Secretary Ryan Zinke [issued](#) a secretarial order aimed at improving the Federal Onshore Oil and Gas Leasing Program, and the Federal Solid Mineral Leasing Program by requiring BLM to complete permit review within the statutorily designated 30 days. The order also directs the BLM to address permitting backlogs and identify areas where improvements can be made in the permitting process to ensure the safe and timely exploration and development of our nation's federal energy resources. Additionally, the order directs BLM to follow its mandate to hold quarterly lease sales.

6/29/17 – President Donald Trump [announced](#) that DOI is taking public comment for a new five-year National Offshore Oil and Gas Leasing Program on the Outer Continental Shelf from 2017-2022. The comment period is the first step in the new five-year plan, which was put in action by the EO, [Implementing an America-First Offshore Energy Strategy](#).

6/28/17 – EPA [announced](#) a one-year extension for the deadline for promulgating initial area designations for the ozone NAAQS for 2015. The new deadline is now October 2018. The case surrounding the 2015 standard is currently being held in [abeyance](#).

6/26/17 – The Fish and Wildlife Service (FWS) [released](#) a federal hold on California's bid to re-plumb the state's main water hub. The hold was placed by the previous administration, however, recent biological opinions from FWS and the National Marine Fisheries Service found that the tunnels will not hurt endangered fish in the Sacramento-San Joaquin River Delta.

NCSL Resources

Registration is open for [NCSL's 2017 Legislative Summit](#) taking place in Boston, Aug. 6-9.