



## Top Stories

**5/24/18** – The United States Department of Agriculture (USDA), the Department of Labor, the Department of State and the Homeland Security Department [announced](#) that they are working together to modernize the [H-2A Agricultural Worker Visa Program](#) to address complaints that farmers have long made about H-2A. The agencies did not offer specific details on what kind of reforms they will propose, but said the joint effort will seek to reduce "cumbersome bureaucracy and [ensure] adequate protections for U.S. workers." However, the agencies are limited in the changes they can legally make without additional changes from Congress to the underlying statute.

**5/23/18** – The House Transportation and Infrastructure Committee unanimously approved its [Water Resources Development Act of 2018](#), just one day after the Senate Environment and Public Works Committee approved its own version, the [America Water Infrastructure Act of 2018](#). The versions differ significantly, with the House bill focusing narrowly on the Corps and project authorization, while the Senate bill expands beyond and delves into the funding and financing of various water infrastructure programs. It is likely the House bill will make it to the floor for a vote the first week in June, but unclear when the Senate will take up its bill. For more information on the bills see [NCSL's Info Alert](#).

**5/10/18** – The House approved, 340-72, the [Nuclear Waste Policy Amendments Act of 2018](#), which would advance federal funding of Yucca Mountain by speeding the transfer of federal land to the Department of Energy (DOE) and setting a new deadline requiring the Nuclear Regulatory Commission to make a permitting decision within 30 months. The bill would also increase the statutory limit for spent fuel to be placed in Yucca Mountain from 70,000 to 110,000 metric tons, and allow a path

forward for DOE to fund a private interim waste storage facility. However, the bill faces an uncertain future in the Senate where it is opposed by both members from Nevada, [Senator Dean Heller](#) and [Senator Catherine Cortez-Masto](#). Additionally, Nevada state officials in both the legislature and the [governor's office](#) have voiced strong opposition to Yucca Mountain.

**5/9/18** – The U.S. Department of Transportation (DOT) [announced](#) the selection of [10 state, local and tribal governments](#) as participants in the [Unmanned Aircraft Systems \(UAS\) Integration Pilot Program](#), a three-year drone pilot program. The state participants include the North Carolina Department of Transportation, the North Dakota Department of Transportation and the Kansas Department of Transportation. The pilot program was established by a [presidential memorandum](#) in October giving DOT the authority to enter into agreements with at least five sites to experiment with both expanding drone authorities, such as flights over people or at night, while allowing state and local governments to issue reasonable time, place and manner restrictions. DOT received 149 applications for the program.

**5/9/18** – The White House Office of Information and Regulatory Affairs released its [Spring 2018 Unified Agenda of Regulatory and Deregulatory Actions](#), a semiannual update on the administration's past and anticipated regulatory actions across the federal government. Significant updates to the Agenda from [December 2017](#) affecting the [energy](#) and [agriculture](#) sectors include the 2015 Waters of the U.S. rule; developing energy conservation standards for air conditioners, and walk-in freezers; issuing final rules on conservation standards for ceiling fan light kits; a final rule on servicing regulation for the Rural Utilities Service telecommunications programs; and

bioengineered food disclosure standards. Most notably, the Environmental Protection Agency has delayed its timeline for issuing a new final rule defining which waters are protected under the Clean Water Act, and thus defined as “Waters of the United States,” until September 2019.

**5/2/18** – Federal Energy Regulatory Commissioner (FERC) Ron Powelson, was [reported](#) to have said at a conference organized by Duke University that “What [power markets are] not about is creating subsidies for non-economic resources that ratepayers are going to pay for. These old inefficient power plants need to retire. You can't have a market when you're sending wrong price signals to people who need to enter and exit.” His comments were made in regard to recent attempts by state and federal regulators to provide coal and nuclear with subsidies to keep them operational.

**5/2/18** – The U.S. Department of Agriculture (USDA) [proposed](#) a rule that would require food labels to disclose whether the product contains genetically modified ingredients. It is intended to provide a mandatory uniform standard for consumers to have more information about any bioengineering included in the product. The proposed rule is required to be finalized by July 29, a deadline set by Congress in 2016. The disclosure would be placed on the information panel of food packages due to the belief that consumers will instinctively look here for information about their food. The proposal also says the labels should be of certain size and clarity so that it appears prominently. Alternatively, companies can use one of three symbols that display “BE,” for bioengineered. Finally, companies can also use an electronic or digital link that consumers can scan (QR code) to obtain more information. The proposed rule still leaves many potential questions unanswered including whether foods derived from genome editing will be covered. The comment period closes July 3.

**5/1/18** – Seventeen states and the District of Columbia [filed](#) suit against the Environmental Protection Agency (EPA) in the U.S. Court of Appeals for the District of Columbia regarding the agency’s April 2 announcement that current greenhouse gas (GHG) emission standards for cars and light trucks model years 2022-2025 are not appropriate and should be revised. The plaintiffs argue that EPA acted “arbitrarily and capriciously” in

changing course on the GHG standards. California, and 12 other states participating in the lawsuit, have more stringent standards than those imposed by EPA as they follow California’s standards, for which the state has received a Clean Air Act (CAA) waiver to set. For more information on EPA’s announcement read [NCSL’s Info Alert](#).

**4/26/18** – The Department of Interior [announced](#) the disbursement of nearly \$188 million to four states—Alabama, Louisiana, Mississippi, and Texas—as well as their coastal political subdivisions. It is the first disbursement of funds under Phase II of the Gulf of Mexico Energy Security Act of 2006, which comes from oil and gas leasing revenues on the Outer Continental Shelf. Funds are intended to support vital coastal conservation, restoration, and hurricane protection projects.

## From Congress

**5/24/18** - The Senate Appropriations Committee [approved](#) its fiscal year (FY) 2019 Energy-Water appropriations bill. At \$43.77 billion, it is \$566 million above FY 2018 levels and \$7.24 billion above the administration’s request. The measure includes a boost for DOE’s Office of Science to \$6.65 billion, as well as the largest ever funding for the Army Corps of Engineers at \$6.93 billion. It also funds energy efficiency and renewable energy programs at \$2.32 billion, an increase of \$1.6 billion from the president’s budget request. The bill also includes a pilot program for consolidated nuclear waste storage but does not include any funding for the licensing process for Yucca Mountain. Earlier this month, the House appropriations committee also [approved](#) its FY 2019 Energy-Water appropriations bill. The \$44.7 billion bill is \$1.5 billion above FY 2018 levels and \$8.17 billion above President’s budget request. The bill would provide \$7.28 billion to the Army Corps of Engineers, \$451 million over 2018 levels. That includes \$1.6 billion for harbor maintenance activities, \$160 million more than the level appropriators committed in the 2014 WRDA bill. DOE’s energy programs would receive \$13.4 billion under the measure, with increases for fossil and nuclear energy research and cuts for renewable energy and energy efficiency.

**5/24/18** - The Senate FY 2019 agriculture appropriations bill was [approved](#), providing \$23.235 billion in discretionary funding for a host of programs administered by USDA and the Food and Drug Administration (FDA), which is \$225 million above FY 2018 levels. Within this total, the bill includes \$2.73 billion in discretionary funding for agricultural research and just over \$1 billion for the Animal and Plant Health Inspection Service. The bill would extend a ban on funding of federal inspections of horse slaughter facilities under the Federal Meat Inspection Act and other regulations. The House Appropriations Committee also [approved](#) its FY 2019 Agriculture-FDA Appropriations bill, providing \$145.1 billion in both discretionary and mandatory funding, which is \$922 million below FY 2018 enacted level. Discretionary funding in the bill totals \$23.27 billion, a \$14 million increase from fiscal year 2018. The House bill did not include the provision continuing the ban on horse slaughter inspections, meaning the issue will have to be sorted out by a conference committee or in negotiations among top leaders

**5/23/18** – Sixteen Democratic senators [wrote](#) to Federal Energy Regulatory Commission (FERC), calling on the Commission to complete its [rule](#) to allow distributed energy resources (DER) to connect to the grid by finalizing guidance to Regional Transmission Organizations and Independent System Operators.. The letter, led by Senators Sheldon Whitehouse (D-R.I.) and Ed Markey (D- Mass.), concerns the integration of DERs and renewable aggregators into capacity and energy markets. Senators wrote that doing so “will enable consumers to play a central role in strengthening reliability and avoiding unnecessary costs by supplying localized energy services,”

**5/16/18** - A bipartisan group of 18 Senators led by Senator Deb Fischer (R-Neb.) and Sen. Heidi Heitkamp (D-N.D.) [wrote](#) to EPA Administrator Scott Pruitt requesting he speed the agency’s approval of year-round sales of 15 percent ethanol blends, more commonly known as E-15. They request the agency provide immediate clarity to allow these higher ethanol blends to be sold while the regulation surrounding sales is changed.

## From the Administration

**5/23/18** – The Energy Information Administration released a [report](#) indicating that oil development in the Arctic National Wildlife Refuge coastal plain could produce 880,000 barrels of crude oil per day by time production peaks in 2041.

**5/23/18** – It was [reported](#) that refiners will have to blend 500 more gallons of advanced biofuels into the nation’s fuel supply than they do this year under the proposed 2019 Renewable Fuel Supply rule EPA recently sent to the White House. Overall biofuel volumes are expected to rise to 19.8 billion gallons, compared to 19.3 billion this year as conventional ethanol requirement will remain at 15 billion gallons of that total, the maximum allowed under the law.

**5/23/18** - USDA is [investing](#) \$256 million in [81 water and wastewater infrastructure projects](#) in rural regions across 35 states. Water and wastewater projects received a \$1.2 billion bump under the 2018 spending law, which directs the USDA secretary to give priority to investments with the greatest infrastructure needs.

**5/18/18** – EPA Administrator Pruitt [announced](#) the selection of California politician and agricultural attorney Mike Stoker to run the agency’s Region 9 which oversees Arizona, California, Hawaii and Nevada. Stoker formerly chaired California’s Agricultural Labor Relations Board and was the state’s deputy secretary of state.

**5/17/18** – FERC unanimously agreed to proceed with a proposed second phase of its rules requiring operators of high-voltage power systems to protect equipment against a once-in-a-century solar flare, whose rogue currents could cause major blackouts and destroy transformers. The rule, [Reliability Standard for Transmission System Planned Performance for Geomagnetic Disturbance Events](#), has a 60-day comment period closing on July 23.

**5/11/18** – USDA Secretary Sonny Perdue appointed [Richard Fordyce](#) as administrator of the agency’s Farm Service Agency, which implements a broad portfolio of programs like commodity

subsidies and disaster assistance loans. He also named [Carmen Rottenberg](#) the agency's Food Safety Inspection Service (FSIS) administrator, though she will also continue serving as acting deputy undersecretary for food safety until [Mindy Brashears](#), current professor of food safety and food microbiology at Texas Tech University, is confirmed by the Senate. [Paul Kiecker](#) was named FSIS deputy administrator and [Bruce Summers](#) was named as administrator of USDA's Agricultural Marketing Service.

**5/8/18** – The U.S. Forest Service [announced](#) payments to states for FY 2017 under the [Secure Rural Schools \(SRS\) program](#). These payments were authorized retroactively in FY 2018 omnibus appropriations. The SRS program aids rural counties and school districts affected by the decline in revenue from timber harvests on federal lands.

**5/2/18** – USDA agreed to accept a new crop insurance policy for dairy farmers, [developed](#) by the American Farm Bureau Federation, that for the first time protects against losses in revenue from milk sales. There are ongoing discussions if dairy producers who sign up for the new insurance program, named Dairy Revenue Protection, would also be able to enroll in the Margin Protection Program, an existing offering from USDA.

**5/1/18** – USDA [announced](#) a \$340 million block grant aimed at assisting Florida citrus growers in recovering expected production losses in the 2018 through 2020 crop years that stem from damage to groves sustained during Hurricane Irma. The block grant also will reimburse the state's orange, grapefruit, lemon, lime and other citrus growers for the costs of buying and planting replacement trees and repairing irrigation systems. Farmers and ranchers can begin to sign up for aid starting no later than July 16.

**5/1/18** – USDA [announced](#) new details on eligibility for its \$2.36 billion disaster-relief program, included in the recent FY 2018 budget agreement adopted earlier this year. Specifically, producers applying for disaster-relief funding will be required to show that their crops, trees, bushes or vines were in a county that received either a presidential or secretarial disaster designation due to a 2017 hurricane or wildfire. Producers with or without crop insurance are eligible to apply, though recipients

of disaster aid will have to purchase at least 60 percent coverage for the next two years.

**4/30/18** – DOE [released](#) program year 2018 grantee allocations for the Weatherization Assistance Program, which is intended to reduce energy costs for low-income households by increasing the energy efficiency of their homes.

**4/30/18** – USDA [awarded](#) \$7 million in FY 2018 [Specialty Crop Multi-State Program](#) (SCMP) grants to six states, for 11 projects related to specialty crop industries that cross state boundaries. SCMP strengthens food safety; seeks new ways to address plant pests, disease, and other crop-specific issues; and increases marketing opportunities for specialty crops—fruits, vegetables, tree nuts and dried fruits to horticulture and nursery crops, including floriculture. Funding is awarded competitively to state departments of agriculture that partner with stakeholder organizations in two or more states.

**4/30/18** - USDA [proposed](#) a 25 percent reduction in the 2018 crop of cranberries following an earlier order to divert 15 percent of 2017's crop from the U.S. market. The cuts were made at the request of the Cranberry Marketing Committee, which says a growing surplus accompanied by flat consumption has driven prices below some growers' production costs.

**4/26/18** – FDA [approved](#) a supplemental New Animal Drug Application for AquaBounty to raise genetically engineered AquaAdvantage salmon at an Indiana facility. It's a significant step forward for the GMO salmon, but the company remains prohibited from importing the eggs necessary for producing salmon due to an appropriations rider.

## NCSL Resources

Registration is open for [NCSL's 2018 Legislative Summit](#) taking place in Los Angeles, July 30-Aug. 2.