



## Top Stories

**5/23/17**—President Donald Trump [released](#) his FY 2018 budget proposal which recommends reducing nondefense discretionary funding by \$54 billion, while providing a similar increase to the Department of Defense (DoD). The Department of Energy (DOE) also saw a reduction from \$31.18 billion in FY 2017 to \$28 billion in FY 2018. The U.S. Department of Agriculture (USDA) was proposed to be reduced to \$137 billion in FY 2018, from \$153.4 billion in FY 2017, and the Department of Interior (DOI) is also proposed to be reduced to \$11.7 billion for FY 2018, 11 percent less than FY 2017. The Environmental Protection Agency's (EPA) discretionary budget saw a significant reduction from \$8.2 billion in FY 2017 to \$5.7 billion in FY 2018. The budget proposes to reduce discretionary funding for the Department of Transportation (DOT) from \$19.3 billion in FY 2017 to \$16.2 billion for FY 2018. The U.S. Army Corps of Engineers' (USACE) discretionary funding is proposed to be reduced to \$5 billion in FY 2018, from \$6 billion in FY 2017. For more information on the president's budget, see NCSL's [Info Alert](#).

**5/18/17**—U.S. Trade Representative Robert Lighthizer sent Congress a letter starting a 90-day consultation period before the United States can sit down with Canada and Mexico regarding the renegotiation of NAFTA. The letter mentions goals of modernizing the pact by adding in new provisions to address digital trade, intellectual property rights, services, labor and environmental standards, and announces intent to pursue "effective implementation and aggressive enforcement of the commitments made by our trading partners."

**5/17/17**—Representative Mike Simpson (R-Idaho), Chairman of the House Appropriations Subcommittee on Energy and Water, [commented](#) on the FY 2018 budget, noting that the "best thing

[Congress] might be able to do for the agencies and their funding is actually to do a CR for the full year."

**5/11/17**—USDA [presented](#) a report to Congress on the proposed 2017 reorganization of the Department to establish an undersecretary for trade and foreign agricultural affairs. The proposed reorganization would require rural development agencies to report directly to the Secretary, therefore eliminating the undersecretary of rural development.

**5/10/17**—The Senate failed to pass [H.J.Res 36](#), disapproving of the Bureau of Land Management's (BLM) methane venting and flaring [rule](#). The rule was aimed at limiting emissions of methane from the oil and gas sector, requiring producers operating on public or tribal lands, to reduce the amount of natural gas vented or flared from wells by capture. DOI is likely to use the Administrative Procedures Act to promulgate a revised or new rule.

**5/9/17**—The U.S. Senate confirmed Scott Gottlieb, [57-42](#), as Commissioner of the Food and Drug Administration (FDA). Gottlieb previously [served](#) as FDA's Deputy Commissioner for Medical and Scientific Affairs. FDA is responsible for implementing the [Food Safety Modernization Act](#) (FMSA).

**5/8/17**—EPA Administrator Scott Pruitt [recused](#) himself from a dozen cases he was involved in against the agency when he previously served as Oklahoma Attorney General, including: litigation surrounding the Clean Power Plan, the Clean Water Rule (WOTUS), EPA's methane regulations for new oil and gas sources, the 2015 ozone standard, the agency's cost analysis of mercury standards for power plants, and standards

governing emissions released during industrial equipment breakdowns.

**5/25/17**—The Senate Energy and Natural Resources Committee held a nomination hearing on May 25 for the president's [nominees](#) to the Federal Energy Regulatory Commission (FERC), Neil Chatterjee and Robert F. Powelson. Chatterjee is an energy policy advisor to U.S. Senate Majority Leader Mitch McConnell, and Powelson has served as a Commissioner on the Pennsylvania Public Utility Commission (PUC) since 2008. The Senate Energy and Natural Resources Committee held a nomination hearing on May 25.

**5/5/17**—DOI [announced](#) it is formally reviewing the “charter and charge” of more than 200 advisory panels that assist federal agency managing public lands. Notably, BLM told members of its resource advisory councils to postpone scheduled meetings through at least September. Similarly, EPA [decided](#) to replace half of the members on one of its key scientific review boards, the Board of Scientific Counselors (BOSC).

**5/2/17**—In remarks at the U.S. Chamber of Commerce, Chairman and CEO of Dow Chemical Andrew Liveris, who heads the president's [Manufacturing Jobs Initiative council](#) [announced](#) that the council is looking at “over 130 regulations,” from across the federal government for possible reform or elimination.

**5/2/17**—EPA sent a proposal to repeal the Clean Water Act's definition ‘Waters of the U.S.’ (WOTUS) rule to the Office of Management and Budget's Office of Information and Regulatory Affairs—the first step in a two-step process to repeal and replace WOTUS. The proposed rule would rescind the 2015 rule and formally put back in place the 1986 guidance. EPA has indicated it plans to move swiftly to repeal and replace the Obama administration rule, with comments from state and local officials on the issue due to EPA by June 19.

**4/25/17**—President Donald Trump [signed](#) an executive order aimed at improving prosperity in rural America, and the agricultural sector. The order creates an interagency task force that will spend 180 days studying problems and concerns in rural American and devise legislative and regulatory remedies.

The task force will focus on identifying regulations that stifle job creation, Improving infrastructure, technological innovation, and energy security.

**4/14/17**—Secretary of Energy Rick Perry [ordered](#) his staff to review federal policies that may be “forcing the premature retirement of baseload power plants.” He called for a study examining electricity markets and reliability, stating “it is of our national security to have policies into place dealing with our nuclear energy that may have an effect on our ability to protect” the nation's militarily.

## From Congress

**5/26/17**—The Government Accountability Office (GAO) [released](#) a roadmap for restarting the Yucca Mountain nuclear waste project. The roadmap laid out four key steps that would be needed to resume and complete the licensing process. They include: giving the Nuclear Regulatory Commission's five-member commission direction to resume licensing, including timing and funding; rebuilding organizational capacity; reconvening the parties involved; and carrying out the process's remaining steps, including the decision to authorize construction of the repository.

**5/17/17**—The Senate Homeland Security and Governmental Affairs Committee approved five bills that would alter how agencies issue regulations—the ["Regulatory Accountability Act,"](#) ["Regulations from the Executive in Need of Scrutiny \(REINS\) Act,"](#) the ["Midnight Rules Relief Act,"](#) the ["Small Business Regulatory Flexibility Improvements Act"](#) and the ["Early Participation in Regulations Act."](#)

**4/28/17**—Representative Kevin Cramer (R-N.D.) led eight of his Republican colleagues in a [letter](#) to the president setting conditions for staying in the Paris Agreement. The letter called for adjusting the U.S. climate pledge to declare that the country will not pursue emissions-cutting policies that damage the economy and for cutting off payments to the green climate fund in exchange for remaining in the agreement.

**4/27/17**—Twenty-one members of the Climate Solutions Caucus [sent](#) a bipartisan letter to the White House, urging the president to “maintain [the United States’] commitment to the Paris Agreement,” in order to keep the seat at the table “in global discussions of how to address the threats posed by climate change.”

**4/26/17**—The [Regulatory Accountability Act](#) was introduced in the Senate with bipartisan support. It would amend the 1946 Administrative Procedure Act by requiring federal agencies to conduct cost-benefit analyses. The bill would also trigger an automatic review process for major regulations, allow hearings on significant federal actions, and require agencies to inform the public in advance before they start work on a new rule. Its companion, [H.R.5](#), was previously passed 238-183, although the language differs substantially from the Senate version.

## From the Administration

**5/23/17**—DOE will [proceed](#) with an efficiency regulation for ceiling fans, initially postponed by the administration’s regulatory “freeze” issued in January. The rule was initially scheduled to go into effect March 20, but was delayed until September 30. Per DOE estimates, the rule would save consumers between \$4.5 billion and \$12.1 billion by 2049.

**5/11/17**—The National Agricultural Statistics Service [announced](#) the possibility of low winter wheat production, predicting the 2017 crop would be down 25 percent to 1.25 billion bushels.

**5/15/17**—The administration [asked](#) the U.S. Court of Appeals for the District of Columbia Circuit to indefinitely suspend lawsuits over the Clean Power Plan rather than send litigation back to the EPA. Suspending litigation would maintain the status quo, including the Supreme Court’s February 2016 stay of the rule.

**5/12/17**—GAO [recommended](#) USDA develop a plan for evaluating its efforts to combat avian influenza, in light of recent implementation of corrective actions following avian influenza outbreaks.

**5/12/17**—EPA [solicited](#) public comments on extending the effective date of new regulations on certification and training of pesticide applicators by a year, to May 22, 2018 after state agriculture officials said they needed more time to implement them. Comments were due by May 19, but EPA made an interim extension of the effective date until June 5, 2017.

**5/11/17**—The president [signed](#) a cybersecurity EO directing DOE and the Department of Homeland Security to report back in 90 days on how the nation might respond to a large, sustained power outage caused by a cyber attack, and identify “any gaps or shortcomings in assets or capabilities required to mitigate the consequences of such an incident.”

**5/10/17**—USDA [placed](#) a six-month delay on implementation of its organic animal welfare standard, saying that “significant policy and legal issues” warrant the rule be reviewed further. The rule was to take effect March 20, but was delayed to May 19 under the administration’s regulatory freeze. USDA plans to solicit comments on whether the rule should take effect, or if the department should delay it further, suspend it indefinitely, or withdraw it.

**5/10/17**—USDA [awarded](#) its first zero-interest loans in the Rural Energy Savings Program to two rural energy providers to help business and residential customers lower energy use and cost. The two loans include \$13 million to South Carolina’s KW Savings Co., and \$1 million to the Northeast Ohio Public Energy Council.

**5/10/17**—The U.S. Energy Information Administration (EIA) [predicts](#) Greenhouse Gas (GHG) emissions to decline by 0.7 percent in 2017, and increase 2.8 percent in 2018. Additionally, coal production is expected to increase 5 percent in 2017 due to demand for exports and increases in domestic coal-fired generation.

**5/8/17**—The Office of Management and Budget (OMB) [issued](#) a memo detailing requirements for implementing [EO 13783](#), titled “Promoting Energy Independence and Economic Growth,” which requires the head of each Executive Department and Agency to review all of that agency’s existing regulations,

orders, guidance documents, policies, and any other similar agency actions (collectively, agency actions) that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources.

**5/8/17**—EIA [released](#) its first update of its residential consumption survey in six years. The analysis provides details of trends, and factors driving the current lighting market. While efficient LEDs have surged since the last survey, 71 percent of homes still do not have LED lighting and only 1 percent of residences report it is the only type of bulb they use.

**5/5/17**—The Farm Service Agency (FSA) [reported](#) that there are currently 23.5 million acres enrolled in the Conservation Reserve Program, .5 million acres under the 24 million acres cap under the 2014 farm bill. In exchange for a yearly rental payment, farmers enrolled in the program agree to remove environmentally sensitive land from agricultural production and plant species that will improve environmental health and quality. FSA said no new acres can be accepted until the easement on 2.5 million acres expires in the fall. Over 358,000 farms participate in the program and there are over 637,000 active contracts.

**5/2/17**—In a letter to Rep. Matt Gaetz (R-Fla.), DoD [requested](#) the eastern Gulf of Mexico to remain off limits to offshore oil drilling, stating that maintaining the moratorium is vital for military readiness. Gaetz recently introduced legislation to extend an oil-drilling ban in that area through 2027. The DoD letter followed a secretarial order signed by DOI Secretary Ryan Zinke, which [announced](#) the department's intent to look at the entire Gulf of Mexico for potential drilling.

**4/25/17**—DOE approved Exxon Mobil and Qatar Petroleum's \$10 billion Golden Pass liquefied natural gas (LNG) plant, to export LNG to countries with which the U.S. doesn't have free trade agreements.

Registration is open for [NCSL's 2017 Legislative Summit](#) taking place in Boston, Aug. 8-9.

## **NCSL Resources**