



Trump
Administration
A HUGE YEAR

2017- A YUGE YEAR

- Transition Effort
- Immediate Policy Efforts by the New Administration
- First 100 Days Policy (Administration and Congressional Priorities)
- Two Appropriation Cycles in One Year
- Oh yea- the Farm Bill

Transition Effort

- Former GA Governor Perdue was nominated on January 19th, the last of the cabinet level positions
 - For comparison, Senator Jeff Sessions was tapped on November 18th
- Perdue's confirmation hearing will most likely happen in the next month
- "Beachhead team" was put in place on January 20th and is being led by Sam Clovis from Iowa
- Perdue's priorities will be better known over the course of the confirmation process, by his picks for top jobs, and first priorities
- NRCS is not a "top-heavy" political operation, but is run by dedicated career professionals

Immediate Policy Efforts by New Administration

- Regulatory freeze memo was issued on January 20th
- Trump Administration officially withdrew from TPP on January 23rd
- The Administration also issued a federal hiring freeze for non-exempt Agencies
- Multiple immigration policies

First 100 Days Policy Priorities

- Regulatory Reform
- Trade Agenda
- Tax Reform
- Infrastructure Package
- Immigration Reform

Regulatory Reform- Who Can Do What?

Congress:

The Congressional Review Act

- **What is it:** The Congressional Review Act (CRA) simply allows for an expedited legislative process, generally in the Senate, through which Congress can nullify a regulation. A vote on the Senate floor only requires a simple majority.
- **Limitations:** In order to be timely, a joint resolution under the CRA, must be introduced within 60-legislative days from the rule being submitted to Congress. The CRA requires that Congress void the entire rule. Congress cannot pick and choose provisions within the rule. The CRA has only been used once successfully in its 20+ years.

Regulatory Reform- Who Can Do What?

Congress:

Congressional Action

- **What is it:** Congress can always pass a law that makes a regulation null and void. There is no timeframe and Congress can decide to nullify only offending parts of a regulation.
- **Limitations:** The Senate does not have a big-enough majority to overcome procedural hurdles (i.e. 60 votes).

Regulatory Reform- Who Can Do What?

Administration:

Rule “freeze” memo –

- **What is it:** Going back to the Reagan Administration, Presidents have imposed a moratorium on regulations that are under development or have not taken full effect, generally through a memorandum.
- **Limitations:** It encompasses a limited universe of rules. Generally, these memoranda do not apply to rules that are required by statute or by a judicial decision

Regulatory Reform- Who Can Do What?

Administration:

New Rule –

- **What is it:** The agency that originally promulgated the rule can undo the rule through an entirely new rulemaking process under the APA.
- **Limitations:** Requires the agency to start a new rulemaking including notice and comment, etc., which takes time. Also, the new rule must be substantially different and is subject to strict judicial scrutiny.

Regulatory Reform- Who Can Do What?

Administration:

Non-enforcement –

- **What is it:** The Administration can simply chose to not enforce a regulation.
- **Limitation:** Non-action does not eliminate the underlying regulation so in theory a subsequent administration can pick right back up with enforcement. The administration can be sued for non-enforcement.

Regulatory Reform- Who Can Do What?

- **The Judicial Branch:**
- *Litigation* –
- **What is it:** An individual can sue the Administration for its promulgated regulations. In fact, there will be several unresolved legal challenges to Obama Administration regulations when Trump assumes the Presidency. The new Administration could, if a court invalidated an Obama Administration regulation, choose not to appeal. Or, the new Administration could choose to settle an ongoing legal challenge.

Regulatory Reform- Who Can Do What?

What *can* the Trump Administration void on day-one?

- Executive Orders
- Discretionary Agency Directives and Guidance

Trump Trade Agenda

- President Trump withdrew from the Trans-Pacific Partnership, which had not yet been ratified.
- He would tell NAFTA partners that U.S. intends to immediately renegotiate the terms of that agreement to get a better deal for our workers. If they don't agree to a renegotiation, U.S. will submit notice that the U.S. intends to withdraw from the deal.
- President Trump has promised to direct the Secretary of Commerce to identify every violation of trade agreements
- He would instruct the U.S. Trade Representative to bring trade cases against China and label China a currency manipulator

Trump Tax Reform Plan

- House Republicans and President Trump both have plans to lower taxes. These could include:
- Lower individual and business tax rates
- Estate tax elimination
- Eliminating certain deductions and “loopholes” for the “very rich”
- 10% repatriation of corporate cash overseas
- Border tax

Trump Infrastructure Plan

- President Trump has floated a \$1 trillion infrastructure package
- The plan relies heavily on private financing
- Trump's hope is the package would pay for itself
- Transportation Secretary said in confirmation hearings there will be need for congressional funding

Trump Immigration Plan

President Trump's plan for immigration is:

- Build a wall on the Mexico border
- Move criminal immigrants out of the country
- End sanctuary cities
- Triple the number of ICE Agents

Appropriations/Budget

- We have two years of appropriations going on which is very very unusual, last year's appropriations was extended until April 28th, so final decisions on that bill will have to be made before then.
- All the while, the President's first budget and this year's appropriation's bill will be ongoing.

Farm Bill

- All the while that is going on, we have the Agriculture Committees forming, with new members, 11 new members on the House Committee and three on the Senate. We have a new Subcommittee Chairman for Conservation in Frank Lucas.
- Farm Bill preparation will begin in earnest, Chairman Roberts announced he will have his first field hearing on February 23rd, followed by one in Michigan. The House has talked about doing a series of field hearings as well.

Other

- ESA reform
- Child nutrition bill
- CFTC reauthorization