



THE GARDEN CLUB *of* AMERICA

National Affairs and Legislation Committee

What We're Watching

Legislation and Policy Important to the GCA

115th Congress, 2nd Session

September, 2018

PROGRAMS AND ISSUES

BILL/ POLICY	STATUS
<p>Botany Bill now in Senate and House: S. 3240 and H.R.1054</p> <p>Native Plant Materials Research, Restoration and Promotion Act</p>	<p>On July 18, 2018 Senator Mazie Hirono (D-HI) along with Senators Sheldon Whitehouse (D-RI), Chris Van Hollen (D-MD) and Tammy Duckworth (D-IL) introduced companion legislation in the Senate https://www.congress.gov/bill/115th-congress/senate-bill/3240/cosponsors to the Native Plants bill (H.R. 1054) that was introduced in the House last year by Rep. Quigley (D-IL) and Rep. Ros-Lehtinen R-FL). Read H.R. 1054 here.</p> <p>These bills share three key provisions:</p> <ul style="list-style-type: none"> ➤ Advocates using native seed on all federal properties ➤ Increases funding for native plant science, land management, and conservation ➤ Creates a student loan-forgiveness program for "botanical science personnel," defined as individuals with post-secondary education in the field of botany, who go on to work in federal agencies. <p>They would also support a program of collaborative grants to prevent rare plants from becoming endangered, and encourage the recovery of endangered plants.</p> <p>An exciting development is that Rep. Quigley successfully inserted language into the FY 2019 appropriations bills for the Department of Agriculture and the Department of Interior that would make it the policy of USDA and Interior “that preference shall be made to the extent practicable for the use of locally adapted native plant materials.” If this becomes law it will create increased demand for native plant materials that are more durable and sustainable.</p> <p>See full GCA position paper on native plants</p> <ul style="list-style-type: none"> ➤ In addition, the NAL Committee is in discussions with staff to Senator Susan Collins regarding simplified legislation to promote the use of native plants in national parks.

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Clean Water Rule (Also known as “Waters of the United States” or WOTUS)	<p>EPA is seeking additional comment on its proposal to “permanently and completely repeal the 2015 WOTUS rule” as they work on a “new, improved WOTUS definition,” according to former EPA Administrator Scott Pruitt. The Public had until August 13th to comment on the proposal. https://www.epa.gov/newsreleases/epa-and-army-seek-additional-public-comment-waters-us-repeal</p> <p>The Clean Water Rule became law in 26 states in August after a federal judge in South Carolina issued a nationwide injunction on the administration's delay of the standards.</p> <p>➤ The NAL and Conservation Committee chairmen submitted a letter to the EPA Administrator citing the GCA’s long history of advocating for the protection of aquatic resources, quoted from the GCA position paper in support of broad jurisdictional coverage, and urged the broadest possible coverage in the “other waters” category. Read the letter here</p> <p>These Committees strongly supported the original proposed regulation and submitted official comments in 2014. Read those comments here.</p> <p>Read the full update on the Clean Water Rule here.</p>

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Drilling in U.S Waters

On April 28, 2017 President Trump signed an executive order directing the Interior Department to reopen and revise a five year offshore oil and gas leasing plan approved in November 2016 during the Obama administration and adopted in January 2017. On January 4, 2018 Interior Secretary Ryan Zinke laid out the revised plan which would allow drilling in 90% of all US waters.

It is the single largest expansion of offshore oil and gas leasing ever proposed by the federal government.

Days later Secretary Zinke, after meeting with Florida Republican Governor and US Senate Candidate Rick Scott, announced that they would be exempting Florida from lease plans. In short order the governors of nearly every state on the Pacific and Atlantic seaboards have asked that their waters also be excluded from consideration for oil exploration and production under Interior's five-year strategy.

Governors from every East and West coast state except for two (Georgia and Maine) have requested exemptions. Officials in Washington and California have vowed to block the necessary infrastructure to carry crude oil from any offshore drilling off their coasts.

Senator Edward Markey of Massachusetts introduced a bill the same day as Zinke released his proposal "to prohibit the Secretary of the Interior from revising the approved oil and gas leasing program for fiscal years 2017 through 2022." He wrote on his web site "I will pursue all available legislative tools to fight any attempt by President Trump to allow drilling off Massachusetts or the East Coast, including the Congressional Review Act."

Simultaneously the Administration is proposing to weaken safety requirements for offshore drilling operations, specifically including those related to blowout preventers. Blowout preventers are the industry-standard devices that are the last line of protection to stop explosions in undersea oil and gas wells. They are also the very piece of equipment whose failure contributed to the worst environmental disaster in our history when the Deepwater Horizon oil rig exploded in 2010, taking eleven lives and releasing 4.9 millions of barrels of oil into the Gulf.

[Read about the Department of the Interior's revised offshore drilling plan in the latest Clean Water Legislative Update here.](#)

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Land and Water Conservation Fund (LWCF)	<p>LWCF is facing a critical deadline. It must be reauthorized by the end of September, 2018 or its authority will expire. Despite strong bipartisan support, the LWCF, which funds land and water conservation, continues to be under attack. Companies that extract oil and gas from the Outer Continental Shelf contribute money to the LWCF. In creating the fund, Congress believed that these companies should “pay back” for the natural resources taken by contributing a portion of their receipts to protect additional natural resources.</p> <p>LWCF is authorized to receive \$900 million a year. Only once has that amount been added to the fund. Some opponents argue that LWCF funds should be used to meet the Interior Department infrastructure backlog. Supporters believe that infrastructure needs should be funded through regular appropriations, not with the LWCF assets. These challenges will continue through this year’s budget process and will grow in significance.</p> <p>The GCA has a long history of supporting both LWCF as well as our National Parks. We support the enactment of legislation to assure dedicated funding from energy revenues to fully fund LWCF and to address the maintenance backlog in our National Parks.</p> <p>To read more, click here to access the latest Legislative Update on LWCF.</p>
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Public Lands	<p>President Trump issued proclamations that reduced the size of two national monuments: They would shrink Bears Ears in Utah by 1.1 million acres, or 85 percent, and decrease Grand Staircase-Escalante National Monument by nearly half to 1 million acres.</p> <p>A coalition of conservation groups, in addition to Patagonia and tribes, are suing the Administration, claiming it overstepped its legal authority in shrinking the monuments.</p> <p>Democratic Senators recently urged Interior Secretary Ryan Zinke to halt work on new management plans for these monuments pending settlement of these lawsuits. The missive was signed by 16 Democratic lawmakers.</p> <p>Read the latest National Public Lands Legislative Update here for more information.</p>

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National Park Maintenance Backlog	<p>Senators Portman (R-OH), King (I-ME), Alexander (D-TN) and Warner (D-VA) introduced a measure “to establish, fund, and provide for the use of amounts in a National Park Service Legacy Restoration Fund to address the maintenance backlog of the National Park Service, and for other purposes.” More than a dozen additional Senators have since cosponsored this legislation: https://www.congress.gov/bill/115th-congress/senate-bill/3172/cosponsors</p> <p>A similar measure in the House, HR 2584, the National Park Service Legacy Act, co-sponsored by more than 80 Representatives, received a hearing earlier this year.</p> <p>GCA has a long history of supporting both LWCF as well as our National Parks. We support the enactment of legislation to assure dedicated funding from energy revenues to fully fund LWCF and to address the maintenance backlog in our National Parks.</p>
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Climate Change / Paris Climate Accord	<p>Even though the American withdrawal from the Paris Climate Accord is lamentable, according to the Agreement's withdrawal clause, the U.S. cannot withdraw until four years after the Agreement came into effect in the U.S. Consequently, the earliest possible effective withdrawal date for the U.S. is November 4, 2020. It is unlikely the Trump Administration will reverse course and maintain our national commitment to mitigating climate change; however, numerous states and localities are committing to emission reductions, and filling part of the void left by the lack of Federal leadership and action. Recently French President Macron, in an address to Congress, called for the US to return to the Paris Accords, which met with a standing ovation from many in attendance.</p>

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Federal Carbon Tax (S. 1639 H.R. 3420)	<p>In July the House approved a non-binding measure to denounce a carbon tax, calling it “detrimental” to the United States. The resolution, sponsored by House Majority Whip Steve Scalise (R-LA), states that a tax on emissions of carbon dioxide — the most prevalent greenhouse gas that causes climate change — “would be detrimental to American families and businesses, and is not in the best interest of the United States.” It passed 229-180 largely along party lines.</p> <p>Within days Rep. Curbello (R-FL), a leader of the bi-partisan climate solutions caucus and the House tax committee, introduced a carbon tax bill to reduce greenhouse gas emissions. While this bill stands little chance of passage, it is significant that a Republican is supporting this measure in the House.</p> <p>Earlier this year a group of senior Republican leaders called for a tax on carbon emissions to help combat climate change. The group is comprised of former Secretary of State James A. Baker III, former Secretary of State George P. Shultz, and former Secretary of Treasury Henry M. Paulson Jr. They argue that putting a price on carbon is the most effective and efficient means of reducing emissions and addressing climate change. Democratic Senators Sheldon Whitehouse and Brian Schatz along with Democratic Congressman Earl Blumenauer and David Cicilline have introduced the American Opportunity Carbon Fee Act (S. 1639 and H.R. 3420).</p>
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Farm Bill	<p>With the House and Senate poised to begin negotiations over the Farm Bill, there is speculation that a bill could be finalized and sent to the President for his signature before the midterm elections in November. Clashes in conference negotiations are likely to be over conservation programs, environmental protections in national forests and low-income nutrition assistance.</p> <p>Senate Agriculture Chairman Pat Roberts (R-Kan) said the lopsided Senate vote of 86-11 would put the upper chamber in a strong negotiating position with the House, which recently passed a more partisan version by a two-vote margin.</p> <p>The Senate bill, while imperfect, is generally strong on conservation programs, retaining programs such as the Conservation Stewardship Program — which the House proposed to eliminate — and the Regional Conservation Partnership Program.</p> <p>The Senate bill would hold conservation funding steady overall, and expand Conservation Reserve Program acreage. It also would allow additional states to join "sodsaver" provisions that provide disincentives to farmers who convert native grassland to crops.</p> <p>To read more about the 2018 Farm Bill and its history, click here for the Farm Bill Legislative Update.</p>

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Clean Air	<p>Replacement or repeal of the Clean Power Plan (CPP) The Trump administration sought comments on its plan to replace President Obama's climate change rule: the Clean Power Plan.</p> <p>EPA issued a formal document asking for the public to comment on what a possible replacement for the Clean Power Plan might look like. This offers the latest indication that the administration would prefer a scaled-back regulation that targets specific power plants' emissions, and touts the role of state regulators in the process.</p> <p>Significantly, the document does not challenge the EPA finding that greenhouse gases pose a human health threat. This finding is the foundation of the EPA's mandate to regulate greenhouse gases under the Clean Air Act. For more details and background on the Clean Air Act and the Clean Power Plan, click here for the latest Clean Air Legislative Update</p>
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Methane Rule	<p>Bureau of Land Management Methane Rule - On November 15, 2016, the Bureau of Land Management in the Department of Interior developed a rule to reduce methane emissions. The rule attempts to curb emissions from oil and gas flaring, venting and leakage on public lands. In June 2017, the Senate attempted and failed to reverse the Obama-era rule. Ryan Zinke, Secretary of the Interior, began delaying implementation of the methane rule. This delay fell under legal scrutiny, and the methane rule was briefly revived, but a court in Wyoming has since put a stop to the standards again.</p> <p>Trump administration officials expect to finalize the broader rollback this Fall. In the meantime the House included a provision in the Interior Appropriations bill for FY 2019 that would roll back the regulations. This provision was approved along party lines.</p>