

Hicks-Ray Associates

Implementing Strategies, Achieving Success



January 5, 2017

TO: WESTCAS Membership

FROM: Hicks-Ray Associates

SUBJECT: New Year Begins in Washington

Both the House and Senate convened at noon on Tuesday for the first session of the 115th Congress. This Congress will remain in session until December of 2018. Among the first actions of this new Congress was the election of Republican and Democratic Leaders including Speaker of the House Paul Ryan, House Minority Leader Nancy Pelosi, Senate Leader Mitch McConnell, and Senate Minority Leader Chuck Schumer. This was followed by the swearing in of individual Members and will culminate on Friday when the Congress certifies the votes of the Electoral College for President this past December 19th. After that the final step in the process of government will be the inauguration of President-Elect Trump at noon on January 20th.

President Obama is keeping with his promise to use the final days of his Administration to issue Executive Orders and finalize as many Rules as possible. This also includes “Secretarial Orders” issued by Cabinet Secretaries that have the same effect as Executive Orders. A good example is the “Secretarial Order” issued earlier today by Secretary of the Interior Sally Jewell that impacts water management practices in California.

In response, the House of Representatives has been hard at work this week moving legislation that would rescind last minute Obama Executive actions and also lay the groundwork for a new way that the Federal government finalizes regulations. These include:

- H.R. 21, the “Midnight Rules Relief Act,” which was introduced at noon on Tuesday, cleared its Committees of jurisdiction of House Judiciary and House Budget, and received a Rule from the House Rules Committee by yesterday which allowed it to be debated and passed 238 to 184. H.R. 21 allows the Congress to bundle together rules and Executive Orders finalized in the last 60 days of the Obama Administration instead of having to debate them as single measures. This is a change from the Congressional Review Act that, despite being adopted in 1996 has been successful in reversing only a single rule in 2001.
- H.R. 26, the “REINS Act” [Regulations from the Executive In Need of Scrutiny] requires that the Congress give approval for all final regulations developed by the Executive Branch that cost more than \$100 million. This legislation is intended to take back some of the authority assumed by the Executive branch in developing and finalizing regulations based on the laws passed by the Congress and to ensure that those directly responsible to the people who elected them have the final say in Rule-making. H.R. 26 is currently being debated on the House floor.

The goal is to have both H.R. 21 and H.R. 26 passed by the Congress in time to have President Trump sign them into law upon his inauguration. Fasten your seatbelts. It’s going to be an interesting ride.

Fred Hicks - 703.866.4290
P.O. Box 2115
Springfield, VA 22152-0115
fred@hicks-ray.com

Tom Ray - 254.855.0880
P.O. Box 955
Waco, TX 76703-0955
tom@hicks-ray.com