

ACA repeal, coordinated with Congress

- **Where it's at:**
 - U.S. Senate and House passed [S. Con. Res. 3](#), putting in motion a reconciliation process which establishes a lower threshold (50 votes) needed to repeal budget-related elements of the ACA.
 - All other changes to ACA must reach a 60-vote threshold (where GOP only holds 52 votes), plus the reconciliation process shields repeal efforts from being filibustered, meaning debate can *delay* a reconciliation vote, but only for a certain number of hours. The same tactic was used to pass the ACA and is a key reason why reconciliation *also* opens the door to unwinding the ACA.
 - ... Work is being done behind the scenes to discern where cases can be made for budget-appropriate changes –
 - Freedom Caucus and Republican Study Committee members recently demanded that a 2016 repeal which passed Congress be brought up for reconsideration, essentially repealing without replacing. This tactic has not gained traction with mainstream GOP members or leadership.
- **Executive Order (EO):** [Requires states to minimize cost of ACA compliance](#) until full repeal by Congress.
 - **Removes all costs & burdens for ACA fees, fines, taxes, etc.**
 - Directs states to cooperate, where free market options are to be promoted over state exchanges, EXCEPT where doing so would violate law or duties of an agency director.
- **Why Care?** Colorado was progressive in pursuing a state exchange and Connect For Colorado has been a relative success story. Our state will have to wait and see what options are put forward by House and Senate leadership in coming months. Either way, expect this to be a LONG and political process.

Keystone & Dakota Access Pipelines Memorandums

- **Where we're at:** Both pipelines' completions were halted by President Obama in the final years of his presidency.

Keystone:

- [Memorandum](#) invites TransCanada to re-submit needed permits to U.S. State Dept. and guarantees the pipeline company would receive a White House/EPA/State Department decision within 60 days, while at the same time accepting the last completed Environmental Impact Statement (EIS) as acceptable for permit approval.
- Will also accept original environmental report which said there was 'no significant environmental impact' from the Keystone pipeline.
- Instructs Army Corp and Department of the Interior to [expedite needed permits](#).
- Worth noting: Keystone could bring 42,000 jobs + substantial tax revenue to the states it crosses.

Dakota Access: Is an 1,100 mile pipeline from North Dakota to Illinois, but is only about 1,000 ft from being completed; already 87-90% complete – but still seeking final easement along Missouri River.

- **Memorandum considers** all prior environmental reviews as meeting necessary requirements for permitting.
- “Keep it in the Ground” activists petitioned Army Corp of Engineers to consider environmental issues raised by activists, however the memo specifically declares issues raised by activists to be outside the Army Corp’s purview.
- **Worth noting:** Two days before Trump’s inauguration (1/18), President Obama said extensive EIS reviews were not required for the Dakota Access pipeline.
- **CACI members should care** because although Dakota Access doesn’t cross Colorado, it will still create demands for Colorado manufacturing products and worker talent.

American Pipeline Memorandum

- **Memorandum References steel and iron ONLY** – Memo says the Commerce Secretary (Wilbur Ross) must submit a report within 180 days of the memo with a plan for how all “**new, future, expanded, retrofitted and repaired pipelines**” must now use only American-made steel.
 - To clarify, the memo says steel cannot be merely finished or partially finished in the U.S.
 - Additionally, the White House has clarified that the memo will not affect the Dakota Access Pipeline’s construction because it is nearly complete.

Manufacturing Streamlining & Permitting Burdens Memorandum

- **Memorandum directs Commerce Secretary to hold manufacturing stakeholder meetings** and gather comments from manufacturers and industry for 60 days.
- Also tasks Commerce Secretary to work with the Departments of Agriculture, Energy, EPA, Office of Management & Budget (OMB), as well as the Small Business Administration (SBA) to gather comments.
- Within 60 days of receiving comments, the Commerce Secretary must present findings to President Trump, specifically outlining priority actions and deadlines for reducing and streamlining regulatory burdens on manufacturers.

TPP & NAFTA Trade Agreements

- [Memorandum permanently withdraws the U.S. from Trans-Pacific Partnership](#) (TPP) trade agreement final negotiations.
- Based on additional insight from comments and interviews of President Trump, the memo sets the stage for the U.S. to engage in bilateral, 1-on-1 agreements instead of larger trade agreements - potentially negotiated by President Trump himself.
 - Although *not* in the memo, Trump has articulated a desire for a 35% trade tariff for U.S. products made overseas. When considered against the President's proposal to drop U.S. corporate income tax to 15%, some believe the drop in corporate taxes may be paid-for through trade tariffs or a "border adjustment" proposal. A "border adjustment" would tax products brought into the U.S. (a.k.a. imports).
- **CACI members should watch how this memorandum is implemented because 750,000 jobs are related to trade here in Colorado.**

"Drain the Swamp" Issues:

- **Fed Government Hiring freeze**
 - [Memo](#): All jobs open as of 1/22/2017 are to remain open for the next three months.
 - Within 90 days, the OPM must present President Trump with a plan to reduce the size of the federal workforce 'through attrition.'
 - This particular memo expires upon the report's delivery to President Trump
- **Regulatory freeze** – OMB Director Mick Mulvaney to oversee freeze
 - [Memo](#) says no promulgated rule can go to Federal Register until a Trump Administration agency head reviews and approves said rule.
 - For rules already submitted: memo post-pones them for a 60-day review.
 - Rules SENT to the Office of the Federal Record (OFR), but NOT published, are to be withdrawn entirely.
 - Worth noting: These precautions are being taken by Trump to ensure no late- or last-minute Obama Administration rules can inadvertently be implemented.
- **2 for 1 Regulation EO** – OMB Director oversight
 - [EO](#) seeks to standardize guidance for how regulatory costs are determined by the federal government.
 - Orders "zero growth" in the regulatory cost "cap" for 2017.
 - EO further says that for every one rule put forward, two must be *identified* for elimination.

- Worth Noting: The EO specifically mentions Waters of the U.S. (WoTUS) rule, Equal Employment Opportunity Commission (EEOC)'s wage reporting rule and the Department of Labor (DOL)'s overtime rules as initial starting points for investigation, specifically because costs to businesses were NOT considered for those rules during the previous administration.
 - Worth noting: The average business spends **\$12k/year** on regulatory costs, 1/3 spend **80 hours or more complying**. For first-year compliance, **costs an average of \$83,000** to businesses. *And half of all businesses have held back* on hiring because of regulatory costs.

Fiduciary Rule Memorandum – DOL to review

Review criteria- [Memorandum says](#) that:

- **IF** the DOL's Fiduciary rule harmed people due to reduced access to retirement options, disrupted retirement industry, or increased costs because of litigation, litigation expenses or increased prices investors had to pay ...
- **THEN** the Fiduciary Rule is to be reviewed by the DOL and brought up for public comment. Memo gives Labor Secretary ability to revise or rescind the rule (Alexander Acosta nominated but not yet confirmed)
- **To read more**: LA Times: "[Labor Department Proposes Delay of Financial Advisor Rule](#)"