



N
A
T
a
T

NATIONAL
ASSOCIATION
OF TOWNS
AND TOWNSHIPS

Special Report

Preview of the 118th Congress

January 10, 2023

Table of Contents

| | |
|---|-----------|
| Introduction | 2 |
| The 118th Congress | 2 |
| Congressional Calendar | 3 |
| Speaker of the House..... | 4 |
| Debt Ceiling Limit | 4 |
| Government Spending | 5 |
| Appropriations | 6 |
| Farm Bill Reauthorization | 7 |
| Energy Permitting Reform | 7 |
| House GOP Oversight | 8 |
| National Flood Insurance Program Reauthorization | 9 |
| Federal Aviation Administration Reauthorization | 10 |
| Senate Nominees | 10 |

Introduction

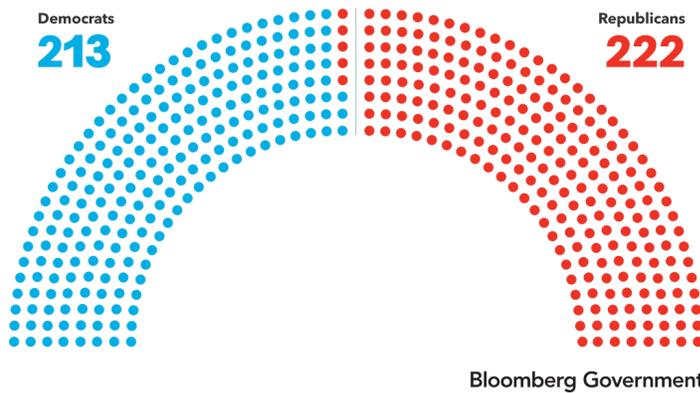
Congress returned to Washington on Tuesday, January 3, for the start of the 118th Congress. With the Republican Party in power in the House of Representatives and the Democratic Party in control in the Senate, negotiation and political maneuvering will be necessary as lawmakers address the legislative items each party wants to focus on during the 118th Congress. Congressional leaders will be working on legislative and regulatory issues including the debt limit, fiscal year (FY) 2024 government spending, energy permitting reform, and various authorizations. This NATaT Special Report covers the issues and items Congress will likely address and more. NATaT will continue to provide updates as we learn more from Capitol Hill.

The 118th Congress

Balance of Power

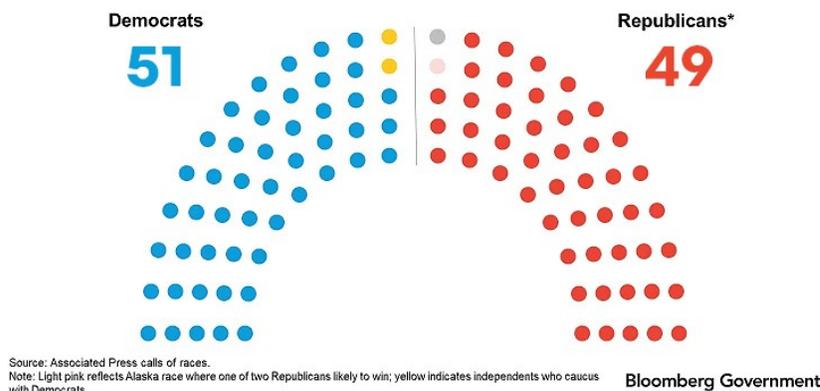
After the mid-term 2022 elections, the breakdown in the House of Representatives is 222 – 212 with the Republican Party in leadership and 51-49 in the Senate with the Democratic Party in power.

House Balance of Power



Of note in the House, following the passage of Rep. Donald McEachin (D-Va.), a special election is scheduled for February 21, in the safe Virginia 4th Congressional District.

Senate Balance of Power for New Congress



Source: Associated Press calls of races.
Note: Light pink reflects Alaska race where one of two Republicans likely to win; yellow indicates independents who caucus with Democrats

Of note in the Senate, Sen. Kyrsten Sinema (I-Ariz.) changed her party affiliation from Democrat to Independent, with speculation on what legislative items she will choose to caucus with her former party on, forcing the President of the Senate, Vice President Kamala Harris to take up a duty she often had in the 117th Congress, serving as the tiebreaking vote. After Sen. Ben Sasse (R-Neb.) retired, Nebraska’s GOP Gov. Jim Pillen will appoint a replacement to serve until 2024 before the Senate returns in late January.

Congressional Calendar

House and Senate leadership announced their respective legislative calendars for 2023. NATAT prepared the following consolidated calendar to show the dates in which the House and Senate will be in session, both individually and collectively. Overall, the House is scheduled to be in session for 118 days, the Senate for 153 days, and both chambers combined for 102 days.

| JANUARY | | | | | | |
|---------|-----|------|-----|-------|-----|-----|
| Sun | Mon | Tues | Wed | Thurs | Fri | Sat |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 31 | | | | |

| FEBRUARY | | | | | | |
|----------|-----|------|-----|-------|-----|-----|
| Sun | Mon | Tues | Wed | Thurs | Fri | Sat |
| | | | 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | | | | |

| MARCH | | | | | | |
|-------|-----|------|-----|-------|-----|-----|
| Sun | Mon | Tues | Wed | Thurs | Fri | Sat |
| | | | 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 | |

| APRIL | | | | | | |
|-------|-----|------|-----|-------|-----|-----|
| Sun | Mon | Tues | Wed | Thurs | Fri | Sat |
| | | | | | | 1 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | 31 | | | | | |

| MAY | | | | | | |
|-----|-----|------|-----|-------|-----|-----|
| Sun | Mon | Tues | Wed | Thurs | Fri | Sat |
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | 31 | | | |

| JUNE | | | | | | |
|------|-----|------|-----|-------|-----|-----|
| Sun | Mon | Tues | Wed | Thurs | Fri | Sat |
| | | | | 1 | 2 | 3 |
| 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | |

| JULY | | | | | | |
|------|-----|------|-----|-------|-----|-----|
| Sun | Mon | Tues | Wed | Thurs | Fri | Sat |
| | | | | | | 1 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | 31 | | | | | |

| AUGUST | | | | | | |
|--------|-----|------|-----|-------|-----|-----|
| Sun | Mon | Tues | Wed | Thurs | Fri | Sat |
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 | | |

| SEPTEMBER | | | | | | |
|-----------|-----|------|-----|-------|-----|-----|
| Sun | Mon | Tues | Wed | Thurs | Fri | Sat |
| | | | | | 1 | 2 |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |

| OCTOBER | | | | | | |
|---------|-----|------|-----|-------|-----|-----|
| Sun | Mon | Tues | Wed | Thurs | Fri | Sat |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 31 | | | | |

| NOVEMBER | | | | | | |
|----------|-----|------|-----|-------|-----|-----|
| Sun | Mon | Tues | Wed | Thurs | Fri | Sat |
| | | | 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | | |

| DECEMBER | | | | | | |
|----------|-----|------|-----|-------|-----|-----|
| Sun | Mon | Tues | Wed | Thurs | Fri | Sat |
| | | | | | 1 | 2 |
| 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 31 | | | | | | |

Both chambers in session
 Senate in session
 House in session

Both chambers in recess
 Federal holiday

Speaker of the House

The 118th Congress began with a historical vote for Speaker of the House. After five days and 15 rounds of voting, Rep. Kevin McCarthy (R-Calif.) finally secured the requisite 216 votes just after midnight on Saturday morning. The vote for Speaker has not taken more than one round of voting for the last 100 years. This time on the 15th vote, now Speaker McCarthy won by a vote of 216-212-6. McCarthy offered various concessions to win the votes of many of the House Freedom Caucus members. Many of the concessions came in the form of the “rules package,” which decides how the House of Representatives will operate and outlines the priorities of the GOP. Negotiations by McCarthy, leadership, and top aides have been ongoing since Republicans won a majority last November. Those negotiations continued until the last round of voting to secure votes from the most conservative members of the Republican Conference. Some of these concessions are included in the 55-page rules package and additional 3-page non-public document.

- An agreement to allow any single House member to offer a resolution that would force a vote on removing the Speaker from office. In 2018 after winning the majority, Democrats modified the rule to allow for such a motion only if offered at the direction of the Democratic Caucus or Republican Conference. Upon winning the majority in November, the GOP plan was to require that at least five Republicans offer such a resolution, and now it’s just one.
- Separate votes on each of the 12 appropriations bills rather than one omnibus spending bill.
- Lawmakers will have 72 hours to review bills before they appear on the House floor.
- When a bill is introduced, it must be limited to a single subject.
- Creates a point of order against floor rules that waive the House’s germaneness rule. That rule provides that an amendment must address the same subject as the matter being amended.
- Promises to vote on bills representing key issues for conservative lawmakers, including abortion, border security, and other legislative priorities.

Speaker Kevin McCarthy passed the first test of his House leadership as Republicans backed the new rules package on the evening of January 9th. Despite grumblings from swing-district Republicans, the rules were passed on a largely party line vote, 220-213, with Democrats unified in opposition.

Debt Ceiling Limit

Each year, the debt ceiling – the statutory maximum that the federal government can borrow – is a hotly debated topic in Congress. Without a debt ceiling, the federal government is unable to borrow forward, which means the U.S. Treasury is unable to honor obligations to pay back its debts and would default on payments. The potential for the government to default on its debt due to the lack of a ceiling increase causes substantial downward pressure on financial markets. In 2011, Standard and Poors downgraded the nation’s credit rating due to a tense standoff between the Obama administration and Republican leaders in Congress, which delayed a ceiling increase. An actual default would have wide ranging, significant, and long-lasting negative impacts on markets and the U.S. economy. With all of this said, the U.S. has never defaulted on debt because of the debt ceiling.

118th Outlook

The debt ceiling debate in the 118th Congress will be as contentious as ever. Debt ceiling policy is a core plank of incoming House Republican leadership's proposed platform. Notably, the rules package put forth by Republican leadership includes a provision to eliminate the so-called Gephardt Rule. This rule automatically ties a debt ceiling increase to any approved budget resolution, without requiring a separate vote. In other words, it provides for automatic House passage, without a vote, of legislation to increase the debt limit when the House and Senate have both completed action on an annual budget resolution. Proponents of the Gephardt Rule argue the rule provides political cover for many members on an otherwise difficult vote – they can vote for a budget resolution but remain “opposed” to the notion of the ceiling hike without being forced to vote, thereby smoothing the budget process each year. Opponents of the Gephardt Rule (namely Republicans) argue that it holds members accountable for budgetary decisions and increases transparency around government spending.

Currently, the debt ceiling stands at \$31.4 trillion. Estimates of when this limit would be reached range from as early as July to sometime in the third quarter of 2023. The debt ceiling was not increased in the recently passed FY 2023 Omnibus Appropriations bill which means it will need to be raised by Congress sometime this year to avoid a default.

Government Spending

Congress will oversee implementation of the Infrastructure Investment and Jobs Act (or “Bipartisan Infrastructure Law”) and the Inflation Reduction Act. In both chambers, Appropriations Committees will see changes in leadership, with Senator Patty Murry (D-Wash.) ascending to the Chairwomanship in the Senate Appropriations Committee, and Congresswoman-Elect Kay Granger (R-Texas.) expected to assume the Chairwomanship in the House Appropriations Committee.

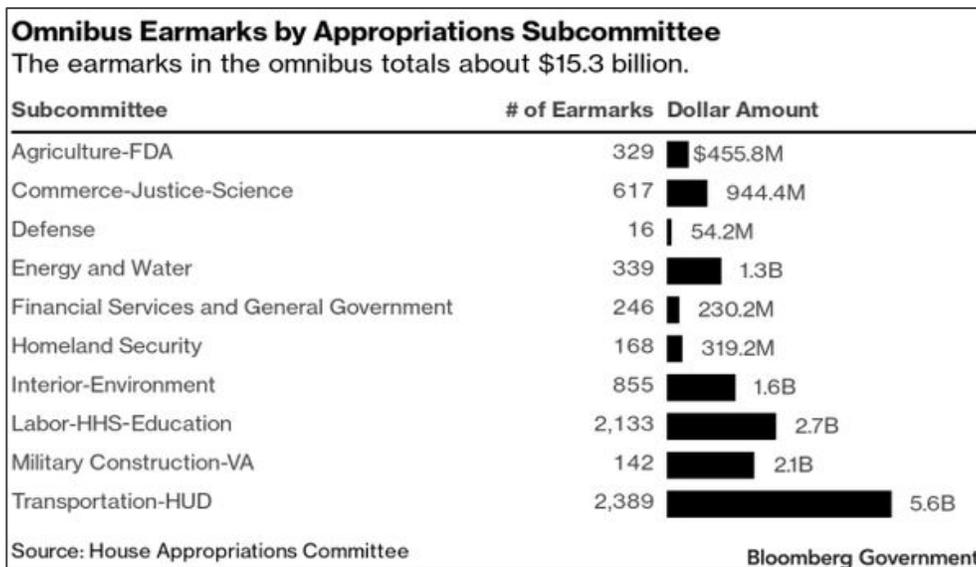
118th Outlook

The scope of government spending will be hotly disputed in the 118th Congress. The \$1.7 trillion FY 2023 omnibus government spending package passed by the 117th Congress is set to fund the government through September of 2023. The bill increased domestic spending by \$68 billion, with a total of \$772.5 billion being spent on domestic priorities and \$858 billion for national defense spending. In addition, with the ongoing implementation of the \$700 billion Inflation Reduction Act and the \$550 billion Bipartisan Infrastructure Law, the new Republican House majority is poised to seek new ways to provide oversight and rein in government spending overall. Concessions trumpeted by the GOP's right wing in the Speakership vote include an agreement to write spending bills to the FY 2022 level and allowing for an open-ended amendment process for spending bills on the floor. Reverting to FY 2022 spending levels will prove difficult, if not impossible, with defense hawks and the Democrat majority in the Senate. National defense spending, which primarily funds the Pentagon, was about \$782 billion in FY 2022 and rose \$75 billion to \$857 billion in FY 2023. Reverting to FY 2022 levels would also result in a \$130 billion cut to discretionary spending.

Appropriations

The customary practice for the appropriations process starts with the President’s annual budget request followed by each of the 12 appropriations subcommittees working through line-item funding for government agencies and programs. The process generally begins in the House before moving to the Senate. While the process is designed for independent passage of each of the spending bills, they seldom are. Instead, final passage of the spending bills typically comes in the form of an omnibus package, or a series of minibus packages, where multiple bills are combined to accelerate movement through the legislative process.

When Congress takes up appropriations for FY 2024, the spending bills will most likely include funding for priority projects for congressional members, known as Congressionally Directed Spending in the Senate and Community Project Funding in the House, and commonly referred to as “earmarks”. In the \$1.7 trillion omnibus appropriations package for FY 2023, lawmakers funded 7,234 member projects totaling \$15.3 billion, which is below the 1% threshold agreed to by Republican and Democratic negotiators. Ten of the twelve appropriations bills included earmarks in FY 2023. The following chart provides a breakdown of the number of projects and the total of earmarked funds for each bill.



118th Outlook

The earmarking process returned in FY 2021 with Congress making several improvements to transparency, process, and oversight. On November 30, 2022, the House GOP Caucus rejected a move to permanently ban earmarks with a secret 52-158-1 vote. As mentioned above, the House Rules package includes a McCarthy concession that requires an individual vote on each of the 12 annual spending bills. It also allows a floor amendment to be offered by any member under “open rule.” Further, it creates a new point of order against spending provisions in general appropriations bills that provide funding for an agency, program, or activity that is not currently authorized and where the amount appropriated exceeds the most recently-enacted spending level.

Farm Bill Reauthorization

Traditionally, the Farm Bill – a massive package of authorizations and mandatory spending for U.S. Department of Agriculture’s (USDA) farm, nutrition, conservation, and other programs is authorized every five years. Action is needed before September 30, 2023, to reauthorize or extend the current authorization of these programs to prevent crucial support programs from lapsing. Farm Bill reauthorization is also an important opportunity to modify and add new programs under the jurisdiction of the USDA and is a priority for NATaT and its members.

The 2018-2023 Farm Bill included titles that cover USDA’s Commodities, Conservation, Trade, Nutrition, Credit, Rural Development, Research, Forestry, Energy, Horticulture, and Crop Insurance and included \$428 billion over its five-year duration in mandatory spending. The 2023 Farm Bill is expected to address these same issues and the Congressional Budget Office has indicated the mandatory spending baseline will be nearly \$650 billion over 5 years.

118th Outlook

Many are anticipating a difficult path for Farm Bill Reauthorization in 2023. Divided Congresses have been successful in coming to agreement on this package in the past, in part because urban and suburban representatives, largely Democrats, and rural lawmakers, primarily Republicans, had a stake in the product and made compromises to find consensus. However, several issues, including some that are often sticking points in Farm Bill negotiations, will be tougher to overcome in the current political environment with slim majorities in both chambers. This is amplified by the continued trend of a starker partisan divide between rural and urban areas.

Specifically, nutrition programs, which is primarily made up of the Supplemental Nutrition Assistance Program (SNAP), is expected to make up 84% (an increase from 76% in 2018 and 67% in 2008) of the mandatory spending in the Farm Bill, and it is expected that Republican lawmakers will want to see cost reductions and/or significant reforms. Some in the GOP have called for removing the Nutrition Title from the Farm Bill and addressing it separately. Additionally, the Farm Bill, along with USDA spending in the Inflation Reduction Act, has seen an increasing use of farm programs to drive climate priorities. This could create an addition challenge in negotiations, along with general spending levels of all Farm Bill programs, as Republicans continue to make fiscal issues a priority.

Energy Permitting Reform

Energy project “permit reform” – a catchall phrase to describe efforts to consolidate and expedite approval of various permits and environmental documents required for a major energy project (i.e., coal, oil and gas, wind, solar, hydropower, nuclear etc.) – has been of interest and a priority to members of congress and the executive branch of both parties for decades.

This past Congress was no different. With a strong emphasis by the Biden administration and Democrats in Congress on achieving a decarbonized economy by 2035, and strong supporters of fossil projects (i.e., Sens. Joe Manchin (D-W.Va.) and Shelley Capito (R- W.Va.)) there was widespread recognition that the permitting process needed to be improved.

Throughout the waning months of the 117th Congress, Sen. Manchin sought to include his permitting reform bill in various budget and related bills to secure passage. However, for a variety of procedural and other non-legislative reasons, the bill failed to pass the Senate in 2022.

Yet, throughout the year, bipartisan support was voiced for the concepts in the bill through various floor speeches of senators, as well as the introduction of additional permitting reform bill by Sen. Shelly Capito (R-W.Va.), which was seen by many as much more aggressive than Sen. Manchin's bill (i.e., required greater certainty regarding timelines for completion of various environmental documents, etc.).

Notably, the White House supported Sen. Manchin's bill, indicating it would assist in combating high inflation and tackle climate change by easing bottlenecks that are preventing the delivery of clean energy to major power markets. However, key GOP senators complained that the Senator's attempt to compromise with them on a provision to speed the buildout of transmission lines fell short, arguing it would force ratepayers in red states to pay for power lines linking rural wind and solar plants to urban blue population centers that consume the electricity.

Progressives opposed the proposal's measures that set enforceable deadlines on environmental reviews and a special provision pushed by Manchin to advance the Mountain Valley Pipeline, a stalled project that would deliver natural gas from West Virginia to the Southeast.

118th Outlook

Republican leaders in the House have indicated, in various public statements, that they intend to pursue energy project permitting reform legislation early in the Congress. Recognizing there is bipartisan support in the Senate, the House GOP plan is to pass what they view as the "ideal" reform bill, recognizing that Senator Manchin's bill from last Congress is likely the starting point for the Senate.

The timing of action on legislation is unclear, though NATaT will continue to monitor key committee action and news out of Congress as the early weeks of the first session unfold.

House GOP Oversight

Congressional committees have far-reaching authority to investigate any matter the chair deems appropriate, including issuing subpoenas for records and requiring witness testimonies in a public hearing.

118th Outlook

Oversight of the Biden administration is one of the top priorities for House Republicans. Rep. Jim Jordan (R-Ohio) will chair the House Judiciary Committee and Rep. James Comer (R-Ky.) will chair the House Oversight Committee. A slew of oversight hearings aimed at senior administrative officials and audits of the White House's legislative record is expected in the coming months.

While not an exhaustive list, we expect the GOP Caucus to focus on the following topline items:

- Federal spending, including the implementation of the American Rescue Plan Act, the Bipartisan Infrastructure Law, and the Inflation Reduction Act
- The Biden administration's border policy

- Antitrust laws and federal regulations around Big Tech
- Withdrawal from Afghanistan
- Hunter Biden
- U.S. policy toward China
- Increased oversight over federal agencies—including the IRS, DOJ, and FBI

National Flood Insurance Program Reauthorization

The National Flood Insurance Program (NFIP) backstops flood insurance policies on properties in 23,000 participating communities across the United States. While the Federal Emergency Management Agency (FEMA) is the primary administrator of the NFIP, a network of insurers provide policies to property owners across the country. The NFIP encompasses about \$1.3 trillion in coverage against flooding, all of which is guaranteed by the federal government, while also establishing floodplain management practices aimed at reducing the risk of damage resulting from flood events. Originally authorized by Congress in 1968, the NFIP must be reauthorized legislatively for the program to continue coverage to participants. The last full reauthorization of the NFIP occurred with passage of the Biggert-Waters Flood Insurance Reform Act in 2012. However, this five-year reauthorization of the program expired on September 30, 2017, and the program has yet to be fully reauthorized. While long-term reauthorizing legislation has been introduced in multiple Congresses, lawmakers have been unable to reach agreement on several key issues affecting the future of the NFIP. Instead, Congress approved short-term extensions of the NFIP to ensure no lapse in the program. The last extension of the NFIP was included in the FY 2023 Omnibus Appropriations bill signed into law by President Biden on December 29, 2022. The extension, the 23rd since 2017, extends the NFIP through September 30, 2023.

118th Outlook

During the 118th Congress, the NFIP must be reauthorized for a subsequent period or there will be a lapse in the ability of property owners to purchase flood insurance through the program. Existing policies will remain in effect until their expiration, but no new policies could be issued.

Several reforms to the NFIP may be considered, including a simplification of the framework and an expansion of the program to cover more low-income property owners. There will be further debate over whether “multiple loss” or “excessive loss” properties – those which have had multiple claims paid out under the NFIP – should continue to be insured. These properties account for 30% of the claims that have been paid out under the program since its inception in 1968. The NFIP is considered a broadly popular, bipartisan program within both the House and Senate. However, approaches to a long-term reauthorization of the program vary greatly by chamber and by party, with the overall debt of the program, currently sitting at \$20.5 billion, looming overhead. Despite bipartisan support of a long-term reauthorization, the NFIP could fall victim to broader gridlock during the 118th Congress, creating a potential gap in billions of dollars in uninsured and at-risk properties.

Federal Aviation Administration Reauthorization

The FAA Reauthorization Act of 2018 (P.L. 115-254), signed into law in October 2018, is a five-year authorization that extended FAA funding and authorities through the end of fiscal year 2023, or September 30, 2023. This bipartisan, five-year authorization of the FAA represents the first significant multi-year reauthorization since the FAA Modernization and Reform Act of 2012 (P.L. 112-95), and the first five-year reauthorization since 1982.

118th Outlook

Congress will be working on a new authorization in the 118th Congress. The process will not only authorize funding for the FAA and its programs, but also provide an opportunity to make changes to the aviation industry and system overall. For example, the bill signed into law in 2018 addressed emerging issues related to safety and unmanned aircraft systems/drones. At least 20 bills were introduced in the 117th Congress to be included in the next authorization. The bills addressed issues such as health impacts of aircraft noise and pollution, helicopter safety, and airline passenger reform. Following a holiday season during which Southwest Airlines and administration officials generated negative headlines for travel chaos, lawmakers will have the potential to focus on customer service policies.

Senate Nominees

During the 117th Congress, the Senate Committee on the Judiciary held hearings for 136 nominees, as well as 27 markups at which at least one nominee received a vote. In total, the committee voted to advance 126 nominees: one to the Supreme Court, 36 to the circuit courts, and 89 to the district courts.

According to Dick Durbin (D-Ill.), the chair of the committee, at the close of the last Congress, the Senate had confirmed 97 lifetime judicial appointments, including Justice Ketanji Brown Jackson to the Supreme Court, 28 judges to the circuit courts, and 68 judges to the district courts—more than the first two years of the Obama and Trump administrations.

118th Outlook

The Democrats' 51-49 Senate majority – a one-seat gain over the 50-50 split last Congress – will help the Biden administration and Senate Democrats move executive and judicial branch nominations more quickly through the confirmation process, likely ensuring a steady stream of confirmations over the next two years, especially for federal judgeships.

With Democrats enjoying a newly boosted majority, President Biden resubmitted 25 judicial nominees to the Senate on January 3, 2023, who failed to win confirmation last year, including several who were deadlocked in the Senate Judiciary Committee. Among the renominations were US Court of Appeals for the Eleventh Circuit nominee Nancy Abudu, of the Southern Poverty Law Center; First Circuit nominee Julie Rikelman, who represented the Mississippi abortion clinic in the case that overturned *Roe v. Wade*; and Southern District of

New York nominee Dale Ho, of the ACLU. A final batch of judicial renominations is expected to be resubmitted later in January.

Chairman Durbin will likely continue to hold nominations hearings every two weeks when the Senate is in session and markups as needed. Senate rules adopted when the GOP was in the majority in 2017 will prevent Republicans from outright blocking judicial nominations, but Senate Democrats' current narrow majority could still cause issues for the majority party. Just two absences or "no" votes could end a nominee's confirmation. Nevertheless, Senate Majority Leader Chuck Schumer (D-N.Y.) and Chairman Durbin will have an easier path to swiftly confirm judicial nominees this Congress, enabling them to exceed the total number of successful confirmations from the 117th Congress.

In addition to judicial nominations, there are several key executive branch nominations pending from last Congress, including:

- Karla Ann Gilbride to be Equal Employment Opportunity Commission general counsel
- Richard Glick to be chair of Federal Energy Regulatory Commission
- Joe Goffman to lead the Environmental Protection Agency's air office
- Jessica Looman to be administrator of the Labor Department's Wage and Hour Division
- Gigi Sohn to be member of the Federal Communications Commission
- Phil Washington to be administrator of the Federal Aviation Administration

The Biden administration is resubmitting these nominations, and many are expected to be confirmed in the coming months.

NATaT staff will continue to monitor and report on these and other issues that arise in the 118th Congress. We look forward to helping you navigate this ever-changing environment and promoting NATaT's priorities in Congress and the administration.