



**National Association of State Trust Lands
Washington D.C. Update
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July 13, 2026**

Congress:

The past three months of the 119th Congress have been marked by a mix of bipartisan accomplishments, partisan gridlock, and increasing attention on the November 2026 midterm elections. Congress has enacted relatively few major laws compared with the volume of legislation introduced, with approximately 102 bills becoming law during the current Congress to date.

The most significant legislative achievement over the past few months is passage of the **21st Century ROAD to Housing Act**, one of the most comprehensive federal housing reforms in decades. The legislation:

Encourages increased housing construction.

Reduces regulatory barriers to development.

Expands affordable housing initiatives.

Although President Trump declined to sign the bill over an unrelated dispute involving election legislation, it became law automatically after the constitutional review period expired.

Continued FY 2026 Appropriations Work

Congress continues work on the FY 2027 appropriations bills following enactment of the Consolidated Appropriations Act earlier this year. While none of the regular appropriations bills has yet been fully enacted, committee action has proceeded and leadership is attempting to avoid another shutdown later this fiscal year. I expect the appropriations process to move into the lame duck session, and Congress could very well go into the next Congress under a Continuing Resolution.

Election Legislation Stalled

One of President Trump's highest priorities—the **SAVE America Act**, requiring proof of citizenship and voter identification for federal elections—has failed to gain sufficient support in the Senate.

This impasse has become one of the defining legislative failures of the spring and summer sessions.

IRAN

The House and Senate have both voted against the President declaring that:

- Congress had **not authorized** continued hostilities against Iran.
- The President should terminate military operations unless:
 - Congress declared war,

- enacted a specific authorization for the use of military force (AUMF), or
- military action was necessary to repel an imminent attack.

The vote reflected bipartisan concern over Congress's constitutional role in decisions to initiate or continue war. It marked the first time both chambers had approved a War Powers Resolution limiting President Trump's authority regarding the Iran conflict.

Largely a symbolic vote but reflects divisions within the Republican party with the midterm elections on the near horizon.

Permitting Reform

Congress continues to pursue bipartisan permitting reform, although momentum has shifted from comprehensive legislation toward targeted reforms.

The House has previously passed several permitting-reform bills, but Senate Environment and Public Works (EPW) Committee negotiations have centered on a more limited bipartisan package. The Committee is targeting a draft bill by the August recess. A scaled-back package remains a possible candidate for consideration during the post-election lame-duck session.

Meanwhile, the Administration has significantly advanced regulatory permitting reform. Following the rescission of the Council on Environmental Quality's former NEPA regulations, federal agencies have finalized or are completing updated NEPA implementing procedures intended to streamline environmental reviews, reduce duplicative analysis, and accelerate permitting decisions. Additional agency-specific implementation rules continue to be issued.

Roadless Rule

The Administration has continued moving toward repeal of the 2001 Roadless Area Conservation Rule.

USDA's regulatory agenda now formally identifies repeal of the nationwide Roadless Rule as an active rulemaking. During the past month, the Senate Energy and Natural Resources Committee also approved legislation containing language that would legislatively rescind the Roadless Rule, final Senate passage of the repeal is unlikely. The Administration continues to target late 2026 for issuance of a final regulatory repeal.

Fix Our Forests Act

The Senate continues to advance the bipartisan **Fix Our Forests Act (S. 1462)**. The legislation is intended to accelerate hazardous fuels reduction, improve forest resilience, expand collaborative forest management, and strengthen wildfire preparedness across the National Forest System, Bureau of Land Management, and Tribal lands.

Although the bill enjoys broad bipartisan support, Senate floor consideration has been delayed by a crowded legislative calendar and competing priorities. Leadership continues to view the measure favorably, but floor time remains the principal obstacle to enactment. We expect the legislation—or portions of it—to move either as part of a broader public lands package or during the post-election lame-duck session.

A significant recent development is the release of the Senate Agriculture Committee's **Farm Bill 2.0 discussion draft**, which incorporates numerous forestry and wildfire provisions that closely parallel or directly originate

from the Fix Our Forests Act. This overlap substantially increases the likelihood that key forestry reforms could be enacted even if the stand-alone bill does not advance independently.

Among the major Fix Our Forests Act provisions reflected in the Senate Farm Bill discussion draft are:

- Expansion of **Good Neighbor Authority** and increased flexibility for States, Tribes, and local governments to implement hazardous fuels reduction and forest restoration projects.
- Improvements to **Stewardship Contracting** to facilitate larger, longer-term restoration projects and better utilize timber receipts.
- Expansion of the **Joint Chiefs' Landscape Restoration Partnership**, promoting coordinated cross-boundary restoration projects involving the Forest Service and Natural Resources Conservation Service.
- Enhancements to the **Collaborative Forest Landscape Restoration Program** to support landscape-scale restoration and increase long-term project certainty.
- Increased emphasis on **cross-boundary landscape restoration**, shared stewardship, and watershed protection.
- Expanded authorities supporting **Tribal forest management** and Tribal participation in wildfire risk reduction and restoration projects.
- Additional tools promoting **prescribed fire, mechanical thinning, grazing, and other active forest management practices** to reduce catastrophic wildfire risk and improve forest health.

While the Senate Farm Bill discussion draft does not incorporate every provision contained in the Fix Our Forests Act, it captures many of the bill's core forest management and wildfire resilience policies. Embedding these provisions within a comprehensive Farm Bill may provide a more practical legislative vehicle given the limited availability of Senate floor time and the broad bipartisan support for forestry and wildfire provisions.

Overall, the outlook for meaningful forestry legislation has improved over the past several months. Even if the Fix Our Forests Act is not considered as a stand-alone measure, many of its highest-priority provisions appear well positioned for enactment through a larger legislative package.

Waters of the United States (WOTUS)

The Administration continues developing a narrower definition of Waters of the United States consistent with the Supreme Court's *Sackett* decision.

Over the past several months, White House review has resulted in additional revisions to the proposed rule. Reports indicate the Administration is seeking a more limited assertion of federal jurisdiction than originally proposed, and stakeholders continue to emphasize that long-term regulatory certainty will depend upon adoption of a legally durable final rule capable of surviving judicial review.

Endangered Species Act

The U.S. Fish and Wildlife Service continues to advance comprehensive revisions to regulations implementing the Endangered Species Act.

The proposed rule would revise procedures governing species listing and delisting, critical habitat designations and exclusions, interagency consultation requirements, and protections applicable to threatened species.

The proposal remains under review, with publication of a final rule expected later this summer. The White House, through OMB, has now completed its review of the Final Rules. If finalized substantially as proposed, the revisions would represent one of the most significant updates to ESA implementation in decades.

National Ambient Air Quality Standards (PM2.5)

The Administration continues to evaluate options for addressing the annual PM2.5 National Ambient Air Quality Standard adopted during the Biden Administration, which lowered the annual standard from **12 to 9 micrograms per cubic meter**. EPA has acknowledged concerns regarding implementation, particularly the potential for large portions of the western United States to be designated nonattainment areas, with significant implications for permitting, mining, manufacturing, energy development, and infrastructure projects.

A major development occurred on **June 26, 2026**, when the **U.S. Court of Appeals for the D.C. Circuit upheld the 2024 PM2.5 NAAQS in Kentucky v. EPA**, rejecting challenges brought by industry groups and numerous states. The court also denied the Trump Administration EPA's request to vacate the rule, holding that EPA acted within its statutory authority in adopting the more stringent standard and that the Clean Air Act does not require consideration of implementation costs when establishing health-based NAAQS. As a result, the **9 microgram per cubic meter annual PM2.5 standard remains in effect**, significantly limiting EPA's ability to reverse the standard through the pending litigation.

The Administration's remaining options are now largely administrative. EPA may seek further judicial review or pursue a new rulemaking supported by a revised administrative record; however, either approach is likely to require considerable time and would almost certainly face additional legal challenges. Consequently, the focus has shifted toward implementation, including future area designations and permitting impacts, while stakeholders continue to urge EPA to pursue a durable regulatory solution that addresses the economic and permitting consequences of widespread nonattainment.

2026 Midterm Elections Outlook (July 2026)

The 2026 midterm elections are shaping up to be highly competitive and will determine control of both chambers of Congress. Historically, the president's party almost always loses House seats during the first midterm election, and current political conditions suggest Republicans face a more challenging environment than they did entering the 2024 election.

U.S. House of Representatives

Republicans currently hold only a narrow majority, leaving little margin for losses. Recent generic congressional ballot polling has consistently shown Democrats holding a national advantage of approximately 6–7 percentage points, although the predictive value of national polling remains uncertain this far from Election Day and for any specific race.

Key factors likely to influence House races include:

- President Trump's job approval and the traditional midterm backlash against the party controlling the White House.
- Inflation, cost of living, and broader economic conditions.
- Immigration and border security.
- The Iran conflict
- Congressional effectiveness, including appropriations, permitting reform, and other legislative priorities.

- Competitive suburban districts in California, Arizona, New York, Pennsylvania, Virginia, and Nebraska.

Most independent election analysts currently rate enough Republican-held districts as competitive that Democrats have a realistic opportunity to regain the House majority, although the outcome remains far from certain. Several forecasting models presently give Democrats a modest advantage in the battle for House control. Additionally, Democrats are out raising Republicans significantly.

U.S. Senate

The Senate map is considerably more favorable to Republicans than the House.

Only one-third of Senate seats are contested, and Republicans enter the cycle defending fewer highly vulnerable seats than Democrats have in recent election cycles. Nevertheless, several Republican-held seats have become increasingly competitive.

The most closely watched races include:

- **Georgia**
- **Maine**
- **Michigan** (open seat)
- **New Hampshire**
- **Pennsylvania**
- **Texas**

Republicans remain slight favorites to retain Senate control, but the margin could narrow depending on candidate quality, fundraising, and the national political environment. Current forecasts generally show Republicans with a small edge, though several races remain true toss-ups. With the sudden death of Senator Lindsey Graham, Governor McMaster will appoint a temporary Senator until a special election can be held. The Governor is expected to appoint a Republican in the interim.

What to Expect in Congress Before the Election

As campaigning intensifies, legislative productivity is expected to decline. There are only a few precious weeks of legislating remaining before the election. Congress is unlikely to finish its duty to fund the Government by the end of September and unlikely to get to a vote on important measures such as the Farm Bill, the Surface Transportation Act, permitting reform, or Fix our Forests Act. There will certainly be a busy lame duck session following the election and prior to the 220th Congress being sworn in the beginning of January.

Bottom Line

The 2026 midterms are likely to serve as a referendum on President Trump's second-term agenda. Energy prices, Iran, continuing inflation, and a long list of Trump efforts that have either been reversed by the Courts or failed to be implemented will be the focus of Democrats. Republicans are increasingly distancing themselves from some of the Trump policies due largely to poor approval ratings of the President especially in competitive House seats. However, Democrats have yet to produce a plan to lead in the future and there is not currently an identified strong leader in the Democrat party who is carrying a consistent message for change. 2024 proved that simply running on an anti-Trump platform may not be a winning strategy—even in a midterm election. The election is still 4 months away and a lot can happen in 4 months before an election.