Congressional Outlook

Week of May 11

The House and Senate are in session this week. Returning from a week-long recess, House lawmakers will focus on the $611.8 billion annual defense authorization bill, Senate-passed legislation giving Congress the authority to review any nuclear agreement with Iran, and a bill to withdraw the EPA’s Waters of the U.S. rule. More than 300 amendments have been filed on the defense bill, several of which could cause contention, including two provisions that have resulted in push-back from conservatives that could help put illegal immigrants who serve in the military on a path to citizenship. Next, House leaders said they will move quickly to take up legislation allowing Congressional review of the Iranian nuclear deal, but some conservatives might seek amendments to make the deal tougher on Iran, which the White House has warned against. On Tuesday, the House is scheduled to consider H.R. 1732, the Regulatory Integrity Protection Act of 2015, which would withdraw the Waters of the U.S. rule and any related rules redefining which bodies of water are subject to the Clean Water Act. It requires that the agencies develop a replacement rule in consultation with state and local officials, and interested stakeholders.

This week, the Senate plans to consider legislation that would streamline congressional review of free-trade agreements, which would pave the way for approval of the Trans Pacific Partnership. Since the Trans Pacific Partnership is still opposed by many Democrats, the White House is working with a few supportive Democrats to gain more support for this “fast-track” trade authority. Senate Minority Leader Harry Reid (D-NV) said he would block efforts by majority leaders to start the trade debate because he believes two other authorities are more important. By the end of May, the surface transportation law (MAP-21) and congressional authority for mass government collection of telephone-call data to detect terrorist plots will expire. Reid believes these expiring authorities should take precedence over the trade-agreement legislation.

On the committee level, the House Appropriations Committee is set to markup the Transportation-HUD spending bill Wednesday. The draft bill provides $1 billion less for transportation and $1 billion more for HUD compared to FY 2015 levels. Also on Wednesday, the
Senate Armed Services Committee begins its three-day markup of the defense authorization bill, behind closed doors. Committee Chairman Senator John McCain (R-AZ) said there will be big changes to acquisition and personnel practices.

Week in Review

Congress Adopts Joint Budget Resolution

In a 51-48 vote last Wednesday, the Senate adopted the conference report on the FY 2016 budget resolution that had passed the House, marking the first time since 2009 that Congress has agreed on an overall spending plan. The resolution outlines $5.3 trillion reduction in federal spending over the next 10 years, enough to balance the budget by 2024, achieved by repealing the Affordable Care Act, $4.2 billion in cuts to mandatory spending programs like Medicaid and Medicare, and directing committees to find additional reductions in discretionary spending. For FY 2016, the budget calls for $3.871 trillion in spending, compared to the President's budget request of $3.959 trillion, with $1.017 trillion in discretionary spending to be allocated in the ongoing appropriations process. Read more...

Broad Tax Reform Unlikely for 2015

Sen. Chuck Schumer (D-NY), after a May 5 meeting of the international tax working group, which he co-chairs with Rob Portman (R-OH), said that there is little chance of individual tax reform happening this year and indicated that the way the corporate tax code treats international earnings will be a focus of efforts. House Ways and Means Committee Chairman Paul Ryan (R-WI) also pointed to limit corporate tax reform in an earlier statement. One holdup in tax reform is disagreement over the extent that it should be tied to a surface transportation reauthorization. The income from repatriation of overseas corporate earnings has been proposed in various forms as a transportation funding source but it is unlikely that a reform deal could be worked out before the Highway Trust Fund expires at the end of May. Read more...

EPA Climate Adaptation Training for Local Governments

EPA has published a new online training module, Climate Adaptation Training for Local Governments. The module is designed to help local public officials, municipal staff, and community leaders prepare for the impacts that climate change may have on the services they provide to their communities. It covers the ways in which local governments will be most affected by climate change, and highlights successful resilience strategies that have been implemented by cities and towns. The tool was developed with assistance from EPA's Local Government Advisory Committee (LGAC), and Bill Finch, Mayor of Bridgeport, CT and chair of the LGAC climate workgroup, who wrote a blog post introducing the tool.

Court Finds NSA Collection of Phone Records in Violation of the PATRIOT Act

Last Thursday, a unanimous 3-judge panel of the U.S. Court of Appeals for the 2nd Circuit overturned a lower court and determined that the National Security Agency's bulk
collection of American phone records violates the PATRIOT Act, saying that the government’s definition of relevant data is too expansive to be warranted. The timing of the decision is notable because Congress is currently grappling with what to do when the current PATRIOT Act expires on May 31. The House will debate a PATRIOT Act reform bill this week, while the Senate GOP leadership is pushing for a 5.5-year extension of the current law.

Congressional Schedule

**Tuesday, May 12**

- Senate Energy and Natural Resources Full Committee hearing on S.883, the “American Mineral Security Act of 2015,” to facilitate the reestablishment of domestic, critical mineral designation, assessment, production, manufacturing, recycling, analysis, forecasting, workforce, education, and research capabilities in the United States.
- Senate Appropriations Committee Financial Services and General Government Subcommittee hearing on proposed budget estimates and justification for FY2016 for the Federal Communications Commission.

**Wednesday, May 13**

- House Financial Services Committee Oversight and Investigations Subcommittee hearing on “The Dodd-Frank Act and Regulatory Overreach.”
- House Energy and Commerce Committee Energy and Power Subcommittee hearing on “Discussion Drafts Addressing Hydropower Regulatory Modernization and FERC Process Coordination under the Natural Gas Act.”
- House Science, Space, and Technology Committee Energy Subcommittee hearing on “Nuclear Energy Innovation and the National Labs.”
- House Oversight and Government Reform Full Committee hearing on "Transportation Security: Are Our Airports Safe?"
- House Oversight and Government Reform Full Committee markup of legislation clarifying the effective date of the Border Patrol Agent Pay Reform Act of 2014.
- House Transportation and Infrastructure Committee Railroads, Pipelines and Hazardous Materials Subcommittee hearing on "The 35th Anniversary of the Staggers Rail Act:
Railroad Deregulation Past, Present, and Future.

- Senate Appropriations Committee Interior, Environment, and Related Agencies Subcommittee hearing on proposed budget estimates for FY 2016 for the Bureau of Land Management.
- Senate Judiciary Full Committee hearing on "Protecting the Constitutional Right to Counsel for Indigents Charged with Misdemeanors."
- House Appropriations Full Committee hearing on "Protecting the Constitutional Right to Counsel for Indigents Charged with Misdemeanors."
- House Agriculture Committee Biotechnology, Horticulture and Research Subcommittee hearing on a review of the federal coordination and response regarding pollinator health.
- Senate Homeland Security and Governmental Affairs Full Committee hearing on "Securing the Border: Fencing, Infrastructure, and Technology Force Multipliers."

Thursday, May 14

- House Natural Resources Committee Federal Lands Subcommittee hearing on "Litigation and Increased Planning's Impact on Our Nation's Overgrown, Fire-Prone National Forests."
- Senate Finance Full Committee hearing on "A Pathway to Improving Care for Medicare Patients with Chronic Conditions."
- Senate Agriculture, Nutrition and Forestry Full Committee hearing on "Regulatory Issues Impacting End-Users and Market Liquidity."
- Senate Appropriations Committee Labor, Health and Human Services, Education and Related Agencies Subcommittee hearing on the proposed budget estimates and justification for FY 2016 for the National Labor Relations Board.
- Senate Energy and Natural Resources Full Committee hearing on energy infrastructure legislation.
- House Agriculture Full Committee markup of legislation to reauthorize the Commodity Futures Trading Commission.
- House Foreign Affairs Committee Western Hemisphere Subcommittee hearing on "Energy Revolution in the Western Hemisphere: Opportunities and Challenges for the U.S."

Friday, May 15

- House Energy and Commerce Committee Communications and Technology Subcommittee hearing on "FCC Reauthorization: Improving Commission Transparency Part II."