Congressional Outlook

**Weekly of May 4**

The Senate is in session this week, while the House is in recess. The Senate will consider the House-adopted budget resolution for fiscal year (FY) 2016. Discretionary spending would be at the budget cap level of $1.016 trillion, with a war funding boost of $96 billion. The resolution also would give Congress the ability to circumvent filibusters by Senate Democrats to pass policy changes, such as repeal or revision of the Affordable Care Act.

The Senate also will continue consideration of a measure that would give Congress the authority to review any nuclear agreement with Iran for a minimum of 52 days. President Barack Obama would be barred from suspending, waiving or reducing congressionally enacted economic sanctions against Iran while lawmakers are studying the deal.

**Week in Review**

**House Majority Leader Announces May Agenda**

Last Thursday, House Majority Leader Kevin McCarthy (R-CA) released a memo outlining the House's agenda for May and touting the accomplishments of the first 100 days of the 114th Congress. When the House returns next week, it will take up a bill to cancel the proposed "Waters of the United States" rule and replace it with a new rulemaking after extensive stakeholder outreach. The House will also turn to the Iran Nuclear Review bill, the Defense Authorization bill, and a bill to extend the PATRIOT (counter-terrorism) Act. Read the full memo
T-HUD Appropriations Subcommittee Moves Spending Bill Forward

Last Wednesday, the FY 2016 Transportation-Housing and Urban Development (T-HUD) spending bill was passed by the House T-HUD appropriations subcommittee. The bill keeps funding relatively flat, but also contains several controversial policy riders. Democrats vowed to take aim at some of those policy riders during the full committee markup, which could happen in May after the House returns from a weekend recess. FedEx has pushed to increase the permissible size of double trailers operating on highways from 28 to 33 feet, and there is a rider on the bill that would allow bigger, heavier commercial trucks on federal highways in certain states, including Ohio, Wyoming, Alaska, Nebraska, Iowa, and Kansas. Read more...

Senators Introduce Bipartisan WOTUS Bill

Last week, a bipartisan group of Senators introduced S. 1140, the “Federal Water Quality Protection Act” in the 114th Congress. The bill would require that the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) withdraw their current controversial “waters of the U.S.” (WOTUS) proposed rule and work with states and other stakeholders to recraft the rule defining which streams and wetlands are protected under the Clean Water Act, using specific guidance included in the legislation. Sens. John Barrasso (R-WY) and Joe Donnelly (D-IN) sponsored the bill, along with cosponsors Sens. Heidi Heitkamp (D-ND), Joe Manchin (D-WV), and eight other Republican cosponsors, including Senate Majority Leader Mitch McConnell (R-KY). Read more...

DOT Finalizes Oil Rail Transportation Regulations

On Friday, the Department of Transportation published a final rule with new safety standards for the rail transportation of flammable liquids. The rule, developed by the Pipeline and Hazardous Materials Safety Administration (PHMSA) and Federal Railroad Administration (FRA) in coordination with Canada, comes after an increase in oil train incidents since the surge in North American oil production— including several high profile derailments and explosions that resulted in casualties.

High-hazard flammable trains (HHFTs), that is, trains carrying a continuous block of 20 or more cars loaded with flammable liquid or 35 cars loaded with flammable liquid in total will be subject to the new regulations, which include speed restrictions, use of electronically-controlled pneumatic brakes, route risk analysis requirements, thicker tank walls, and other construction safety standards for rail cars to help prevent punctures. Rail car safety standards will apply to all newly built cars beginning in October, while retrofitting of older cars and electronic braking requirements will be phased in over the next 3-8 years. Read more...

Senate EPW Committee Moves "Secret Science" Bill to Floor

The Senate Environment and Public Works (EPW) Committee last week approved (along party lines) S.544, the “Secret Science Reform Act” introduced by Sen. John Barrasso (R-WY) and co-sponsored by GOP Sens. David Vitter of Louisiana, Mike Crapo of Idaho and Deb Fischer of Nebraska, along with EPW Chairman James Inhofe of Oklahoma.

The bill would prohibit EPA from finalizing rules that are based on science that isn't "transparent...
or reproducible." It would also compel EPA to make publicly available all the studies and data that go into its rulemakings. The legislation was sent to the Senate floor with one Democratic amendment that would bar the censorship of common terms, such as a "climate change," in official documents. The House last month passed its version of the bill, mostly along party lines, despite a White House veto threat.

Congressional Schedule

Monday, May 4

- Senate Small Business and Entrepreneurship Full Committee field hearing on "Reducing the Federal Tax Burden for America's Small Businesses."
- Senate Commerce, Science and Transportation Full Committee field hearing on "Passenger Rail Reauthorization: The Future of the Northeast Corridor."

Tuesday, May 5

- Senate Environment and Public Works Committee Subcommittee on Clean Air and Nuclear Safety hearing on "Legal Implications of the Clean Power Plan," focusing on legal issues surrounding EPA's carbon regulations.
- Senate Commerce, Science and Transportation Committee Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security hearing on "Surface Transportation Reauthorization: The Importance of a Long Term Reauthorization."
- Senate Energy and Natural Resources Full Committee hearing on the federal government's role in wildfire management, the impact of fires on communities, and potential improvements to be made in fire operations.
- Senate Agriculture, Nutrition and Forestry Full Committee hearing on the U.S. Grain Standards Act.

Wednesday, May 6

- Senate Environment and Public Works Full Committee hearing on the proposed budget estimates for the Fish and Wildlife Service and endangered species bills: S.1036, to require the secretary of the Interior and the secretary of Agriculture to provide certain western states assistance in the development of statewide conservation and management plans for the protection and recovery of sage-grouse species; S.855, the "Endangered Species Management Self-Determination Act"; S.736, the "State, Tribal, and Local Species Transparency and Recovery Act"; S.655, to prohibit the use of funds by the secretary of the Interior to make a final determination on the listing of the northern long-eared bat under the Endangered Species Act of 1973; S.468, the "Sage-Grouse and Mule Deer Habitat Conservation and Restoration Act of 2015"; S.293, to amend the Endangered Species Act of 1973 to establish a procedure for approval of certain settlements; S.292, the "21st Century Endangered Species Transparency Act"; S.112, the "Common Sense in Species Protection Act of 2015"; and S.1081, to end the use of
body-gripping traps in the National Wildlife Refuge System.

- Senate Commerce, Science and Transportation Full Committee hearing on the nominations of Daniel Elliot to be a member of the Surface Transportation Board and Mario Cordero to be a member of the Federal Maritime Commission.
- Senate Health, Education, Labor and Pensions Full Committee hearing on “Reauthorizing the Higher Education Act: The Role of Consumer Information in College Choice.”
- Senate Appropriations Committee Subcommittee on Defense hearing on the proposed budget estimates and justification for FY 2016 for the Defense Department.
- Senate Judiciary Full Committee hearing on the nominations of Dale Drozd to be a U.S. district judge for the Eastern District of California; Ann Donnelly to be a U.S. district judge for the Eastern District of New York; Lawrence Vilardo to be a U.S. district judge for the Western District of New York; and LeShann DeArcy Hall to be a U.S. district judge for the Eastern District of New York.
- Senate Small Business and Entrepreneurship Full Committee hearing on “Impact of Federal Labor and Safety Laws on the U.S. Seafood Industry.”

**Thursday, May 7**

- Senate Agriculture, Nutrition and Forestry Full Committee hearing on child nutrition programs.
- Senate Appropriations Committee Subcommittee on Labor, Health and Human Services, Education and Related Agencies hearing on rural health.
- Senate Appropriations Committee Subcommittee on Commerce, Justice, Science and Related Agencies hearing on the proposed budget estimates for FY 2016 for the Justice Department.