Congressional Outlook

Week of December 22nd

After a flurry of last-minute activity and political gamesmanship, the 113th Congress came to a close last week. Members of the 114th Congress will reconvene on Tuesday, January 6, 2015.

This will be our last weekly update for the year. We hope you have found it informative and helpful as you progress your local priorities at the federal level.

The NATaT team wishes you a happy, healthy holiday season, and we look forward to our work together in 2015!

Week in Review

President Obama Signs $1.1 Trillion Spending Package Into Law

Last Tuesday, President Obama signed into law the “CROmnibus” spending bill, preventing a federal government shutdown by funding the federal agencies through September 30, 2015 (except homeland security funding is provided through February 2015). For more, click here.
Senate Clears Slate of Obama Nominees

Last week, the Senate confirmed more than three dozen Presidential nominees. For more on those nominees, click here and here.

Senate Passes Tax Extenders

Before adjourning for the year, the Senate last week passed a bill extending several expired tax incentives on a 76-16 vote. The extension, however, was only for two weeks (through December 31, 2014) and is retroactive to January 1, 2014. When the House passed the tax extenders bill, it tacked on separately passed legislation to allow people with disabilities to establish tax-exempt savings accounts, a provision partially offset by a 9-cent-per-gallon fuel tax increase supported by the barge industry to boost the Inland Waterways Trust Fund. President Obama signed the legislation into law last Friday.

Senate Fails to Reauthorize TRIA

Senate leaders failed to move a bill this week to reauthorize the Terrorism Risk Insurance Act (TRIA), after retiring Senator Tom Coburn (R-OK) refused to agree to a unanimous consent request that would have set up a final vote just before the Senate left town. Senate Majority Leader Harry Reid (D-NV) could have sought passage of the bill through normal Senate procedures, but that would have kept the Senate in session beyond last week. Some Senate Democrats were also unhappy with House Republicans' decision to pull TRIA reauthorization out of the omnibus spending bill and add a rider to the bill that they say undermines the Dodd-Frank Wall Street reform law.

TRIA was first passed in the aftermath of 9/11 to provide a federal backstop for terrorism risk insurance coverage. After the attacks, reinsurers and primary insurers paid out more than $30 billion in claims and many began withdrawing from the terrorism risk insurance market. Many lawmakers and organizations that hold events at major venues feel that TRIA is still needed to protect the economy against unpredictable, catastrophic terrorist attacks.

EPA and USDA Working on New Farming CWA Permit Policy

EPA Administrator Gina McCarthy said last week that the agency is working with the U.S. Department of Agriculture (USDA) on next steps for a policy to clarify which "normal" farming practices are exempt from Clean Water Act (CWA) permits. Congress passed the CRomnibus spending bill that included language that forced the Administration to withdraw its controversial "interpretive" rule clarifying the exemptions for 56 NRCS-approved conservation practices. Critics of the interpretive rule questioned the need for such exemptions (as the CWA already exempts "normal" farming and conservation practices) and said the rule created more confusion than clarity.

There is no word yet from either EPA or USDA on just what form such a policy will take, but the withdrawal of the interpretive rule is not expected to affect the proposed rule over which "waters of the U.S." (WOTUS) are jurisdictional under the CWA.

New Draft NEPA Guidance Released

Last week, the Obama Administration released new draft guidance on how federal environmental reviews under the National Environmental Policy Act (NEPA) should take climate change into
NEPA requires Federal agencies to consider and transparently disclose to the public any potential effects of their actions and decisions on the environment. In many cases, Federal actions have the potential to produce greenhouse gas emissions, and also are at risk of experiencing impacts from a changing climate.

The White House Council on Environmental Quality (CEQ) proposed the new guidance to clarify how federal agencies should consider greenhouse gas emissions and the impacts of climate change when conducting NEPA reviews. CEQ first released draft guidance in 2010, but never issued a final plan. The new guidance differs from the 2010 version in that it addresses land and resource management actions under NEPA. The draft guidance will be available for public comment for 60-days.

The White House also issued final "programmatic" NEPA guidance aimed at helping agencies understand the impacts of proposed large-scale federal activities. Federal agencies undertaking broad, landscape-scale analyses for proposals affecting the resources they manage requested the guidance, CEQ said.

Congressional Schedule

No hearings until January 2015.