Congressional Outlook

Week of June 16th

The House and Senate are in session this week, and both chambers will consider appropriations bills this week. The House will vote on the military appropriations bill, and the Senate will consider a mini-omnibus spending bill that rolls together the Commerce-Justice-Science, Agriculture-FDA, and Transportation-HUD bills.

House Republicans will vote on Wednesday to elect a new majority leader following Eric Cantor's loss in last week's Virginia Republican primary, while the Senate Banking, Housing and Urban Affairs Committee will consider San Antonio Mayor Julian Castro's nomination to be the next HUD secretary.

Draft legislation that would authorize the Keystone XL pipeline is slated for markup Wednesday by the Senate Energy and Natural Resources Committee. The bill is supported by the panel's chairman, Democrat Mary Landrieu, who is facing a tough re-election race in her home state of Louisiana, where the energy industry plays a key role.

House and Senate leaders are negotiating legislation intended to address medical delays at the Department of Veterans Affairs health facilities.

Week in Review

Number Two Leader in the House Loses in Primary

House Majority Leader Eric Cantor suffered a shocking primary loss last week to tea-party backed David Brat, a political newcomer. Shortly thereafter, Cantor announced he will step down from the leadership post on July 31. Majority Whip Kevin McCarthy of California, who has substantial support, faces a challenge from Idaho Representative Raul Labrador, a Tea Party-
backed colleague who was first elected to Congress in 2010. A McCarthy victory would open up the race for majority whip. At least three Republicans are seeking that position: Peter Roskam of Illinois, Steve Scalise of Louisiana and Marlin Stutzman of Indiana.

**EPA Extends Waters of the U.S. Comment Period to October While House Panel Considers the Proposed Rule**

The EPA and U.S. Army Corps of Engineers are extending the public comment period for the Waters of the U.S. proposed rule from July 21 until October 20, 2014, an additional 91 days. This extension is in response to numerous requests, including NATaT, received by the agencies. The Waters of the U.S. proposed rule is meant to clarify protection under the Clean Water Act for streams, wetlands and other bodies of water. However, just how clear the rules are is being debated in Congress. A hearing last week featured top officials of the Corps and EPA, who defended the proposed rule against attacks from several Subcommittee Members and witnesses. Among the other witnesses testifying before the Subcommittee were managers of state and local water agencies, as well as representatives of the American Farm Bureau Federation and the National Association of Home Builders. For a memorandum on the hearing, [click here](#).

**Senate Easily Passes Veterans Affairs Bill 93-3**

Senators Bernard Sanders (I-VT) and John McCain (R-AZ) quickly negotiated legislation in response to the long wait times for medical attention at VA facilities across the country. The bill would allow veterans to seek medical attention from private providers rather than suffer unreasonably long wait times. The bill also provided funds for hiring new doctors and authorized the leasing on new facilities. The measure will be reconciled with a House-passed bill. According to the [Committee for a Responsible Federal Budget](#), this bill could create a $500 billion entitlement program by provided a “blank check” to the VA.

**President Signs Water Infrastructure Bill Into Law**

Last week, President Obama signed into law the Water Resources Reform and Development Act of 2014 (WRRDA). The law authorizes 34 new lock, dam, levee, port and ecosystem restoration projects, including several Everglades restoration projects and a $10 billion storm protection project near Louisiana’s top oil and gas hub that has become a hot issue for Senator Mary Landrieu (D-LA) in that state’s Senate race this year. It also institutes a number of reforms aimed at cutting regulatory red tape at the Army Corps, which often spends years studying projects and weighing alternatives. Finally, the bill creates a Water Infrastructure Finance and Innovations Act (WIFIA) pilot program for financing pressing water projects through federal loans and loan guarantees.

**Talks to Find HTF Funding Solution Continue on Both Sides of the Capitol as Deadline Nears**

The House proposal to end Saturday postal service to fund a short term Highway Trust Fund bailout is considered dead after Eric Cantor’s primary loss, while in the Senate, talks continue over revenues from repatriation taxes. Majority Leader Harry Reid has proposed a year-long 9.5% tax holiday, Senator Rand Paul (R-KY) has put forth a permanent 5% repatriation rate, and Sen. Tom Carper (D-DE) has suggested a reverse auction. Both support and opposition to proposals are bipartisan. Minority Leader Mitch McConnell and Senator Barbara Boxer (D-Cal.) have ventured support for repatriation, while top Democrats Dick Durbin (IL) and Chuck Schumer (NY), as well as Republicans Ron Wyden (OR), Rob Portman (OH), and Orrin Hatch (UT) have
voiced disapproval. As a short term solution looks increasingly likely, two Department of Transportation (DOT) nominees warned of the consequences. Peter Rogoff, acting Transportation Undersecretary for policy, and Victor Mendez, nominee for Deputy Transportation Secretary, said in their Senate nomination hearing that a short term fix will cause bigger projects to be abandoned as local officials face uncertainty over future funding.

**House Members Introduce Administration's Transportation Bill**

Representative Tom Petri (R-WI) and Delegate Eleanor Holmes Norton (D-DC), both senior members of the House Transportation Committee, introduced the administration's four-year, $302 billion transportation proposal. The bill, which the administration called the GROW AMERICA Act, was introduced last Wednesday as H.R. 4834. The proposal is essentially dead on Capitol Hill, where a funding stopgap seems unavoidable as lawmakers continue to work on a multi-year policy bill.

**Stakeholders Receive Transportation Reauthorization Update from Secretary Foxx, Congress**

There is still a lot of uncertainty surrounding the transportation reauthorization bill, which set to expire in September. There is a strong push to gain consensus on important issues, like how to sustain the Highway Trust Fund and how to streamline project approvals. On June 12th, Congressmen Earl Blumenauer and Richard Hanna held a Transportation Stakeholders meeting to update stakeholders on the current situation with the transportation reauthorization bill. Currently, there are two legislative proposals floating around that could replace MAP-21. Senator Tom Carper and DOT Secretary Anthony Foxx discussed their perspectives on how the reauthorization is progressing. [Read More...](#)

**Access Board - Final Accessibility Guidelines in November 2014**

On Friday, June 13, 2014, the Access Board published its [twelve month agenda](#) in the Federal Register. The agenda includes taking final action in November 2014 on the Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way. The Guidelines include general and specific information important to local government regarding conforming to the Americans with Disabilities Act. This rulemaking establishes accessibility guidelines to ensure that sidewalks, pedestrian street crossings, pedestrian signals, and other facilities for pedestrian circulation and use constructed or altered in the public right-of-way by State or local governments are accessible to and usable by individuals with disabilities. Also, the rulemaking establishing accessibility guidelines for shared use paths that are designed for bicyclists and pedestrians and are used for transportation and recreation purposes is merged with this rulemaking. [Read More...](#)

**House Appropriations Subcommittee Approves FY 2015 Energy and Water Bill**

The House Energy and Water Development Appropriations Subcommittee approved its FY 2015 spending bill funding the Corps of Engineers, the Bureau of Reclamation, and the Department of Energy (DOE). The bill totals $34 billion for the agencies, setting different spending priorities in FY 2015 than the President's budget proposal for the period. [Read More...](#)
House Approves Amendments to the FY 2015 Agriculture Appropriations Bill

House lawmakers last week approved amendments to the FY 2015 Agriculture Appropriations bill that would shift funds to help drought-stricken farmers in the West, support efforts to control invasive pests and boost food safety inspections. The House also voted down two efforts to defund the Watershed Rehabilitation Program, which seeks to rebuild aging dams. The House voted on 18 amendments, passing nine, to H.R. 4800, which would provide $20.9 billion to the U.S. Department of Agriculture, Food and Drug Administration and Commodity Futures Trading Commission. Read More...

Bipartisan House Legislation Would Limit EPA Veto Authorities

House Transportation and Infrastructure Committee ranking member Nick Rahall (D-WV) and Water Resources Subcommittee Chairman Bob Gibbs (R-OH) last week introduced legislation to limit U.S. EPA's Clean Water Act veto power. The committee already has approved a bill to bar EPA from vetoing Army Corps of Engineers Clean Water Act Section 404 permits after they're issued. The Gibbs-Rahall bill would also prevent EPA from blocking Section 404 dredge-and-fill approvals prior to the permitting process, restricting EPA use of its veto power only during the 30 days from the time the Army Corps has finished processing a CWA permit until the time it issues it.

The bill is in response to the EPA's veto of a mountaintop-removal coal mine in West Virginia in 2011 that was approved by the courts. EPA is now considering whether to take preemptive action against the Pebble copper and gold mine in Alaska, a move that would rancor their congressional delegation.

House and Senate Action on THUD Appropriations

Last week the House of Representatives passed the FY 2015 Transportation HUD Appropriations bill, which includes funding for Department of Transportation programs and projects. The Senate bill was approved in Committee and is likely to be considered by the full Senate this week. For more on recommended funding levels for programs important to local government, click here.

Student Loan Refinancing Bill Stalled in Senate

Senator Elizabeth Warren's (D-MA) bill to allow student loan borrowers to refinance at lower interest rates was halted last Wednesday by a 56-38 vote in a procedural motion requiring 60 votes to advance. The bill paid for the refinancing measure with tax increases on millionaires, which generated opposition from Republicans. The bill is not dead, as Senate Majority Leader Harry Reid voted against the measure to preserve his ability to reintroduce it. Read More...

President Obama Extends Pay As You Earn Program

The Pay As You Earn Program (PAYE) is a student loan repayment option that caps monthly payments at 10% of discretionary income and offers loan forgiveness after 20 years, or 10 years for workers in the public or non-profit sectors. PAYE is currently only available to those who took out a federal student loan after October 2007 or received a secondary payment after October
2011. Last Monday, President Obama announced plans for an executive order extending the program to all federal student loan borrowers by the end of 2015. Read More...

Congressional Schedule

**Tuesday, June 17**
- Senate Agriculture, Nutrition, and Forestry Full Committee hearing to examine creating jobs through bio based manufacturing.

**Wednesday, June 18**
- House Homeland Security Full Committee hearing on "The Critical Role of First Responders: Sharing Lessons Learned from Past Attacks."
- House Transportation and Infrastructure Committee's Subcommittee on Aviation hearing on "Airport Financing and Development."
- House Natural Resources Committee's Subcommittee on Energy and Mineral Resources oversight hearing on "American Energy Jobs: Opportunities for States and Localities."
- Senate Environment and Public Works Committee's Subcommittee on Clean Air and Nuclear Safety hearing to examine climate change, focusing on the need to act now.
- Senate Small Business and Entrepreneurship Full Committee hearing to examine growing small business exports and growing U.S. jobs.

**Thursday, June 19**
- House Agriculture Committee's Subcommittee on Conservation, Energy, and Forestry hearing reviewing the "Interpretive Rule regarding the applicability of Clean Water Act agricultural exemptions."

**Friday, June 20**
- House Judiciary Committee's Subcommittee on Regulatory Reform, Commercial, and Antitrust Law hearing on "Net Neutrality: Is Antitrust Law More Effective than Regulation in Protection Consumers and Innovation?"
- House Natural Resources Committee's Subcommittee on Energy and Mineral Resources legislative hearing on the "Natural Gas Gathering Enhancement Act (H.R. 4293)," and the "Energy Infrastructure Improvement Act (H.R. 1587)."