Congressional Outlook

Week of November 17th

The House and Senate are both in session this week. Both chambers will host a number of hearings on the Ebola crisis and ongoing issues at the VA. Senate leaders have granted a vote on the Keystone pipeline measure tomorrow (November 18) in an apparent bid to help Senator Mary Landrieu (D-LA), an ardent supporter of the project, in the run-off election she faces next month. (The House passed the bill last week - see below.) At the present time, supporters are only one vote shy of the 60 votes needed to overcome a procedural hurdle that will get the bill to the Senate floor (where a simple majority will move the bill to passage).

Talks will continue this week on how to keep the federal government running past the end of the current continuing resolution (CR), which expires on December 11. Ultra-conservative forces in the House are putting the brakes on an FY 2015 Omnibus Appropriations bill (rolling all annual spending bills into one), in favor of a short-term CR that would run until early next year. This is part of a strategy by the GOP to force the President to pull back on his plan to issue executive orders on immigration policy before the December 31 end of the 113th Congress.

This week, the House will take up two Republican-sponsored bills targeting Environmental Protection Agency (EPA) science. H.R. 1422 would reconfigure the process for selecting members of the EPA's Science Advisory Board. House GOP members have said they believe the makeup of the EPA science panel, which provides the agency with guidance and advice on scientific issues, is biased against industry. H.R. 4012 is aimed at "secret science" that House Republicans say is used by the EPA in developing agency regulations. The bill would prohibit EPA from finalizing rules that are based on science that is not "transparent or reproducible." House Democrats are not supportive of either measure.
House Passes Keystone Pipeline Measure

With a 262-151 vote, the House passed H.R. 5682 on Friday - a bill that approves the Keystone pipeline that would transport heavy crude from Alberta, Canada to refineries in the U.S. Gulf Coast. President Obama has not formally issued a veto threat if the bill passes the Senate, but raised questions last week about the pipeline's economic and environmental impacts. Passage of the bill would legislatively override the State Department's current review process, a move that is opposed by the Administration. That review has been delayed by legal disputes regarding the possible route of the pipeline.

President Obama Addresses Use of Executive Power

On Friday, President Obama defended his plans to use executive power to bypass Congress, signaling that he is determined to move on issues like immigration and climate change, as lawmakers have failed to act. Obama said he will grant relief to illegal immigrants in the coming weeks if Congress doesn't produce a bill first. He also suggested that the deal he cut with China to reduce greenhouse gas emissions was proper because he has to take into account longer-term interests than do lawmakers who have resisted such actions. Incoming Senate Majority Leader Mitch McConnell (R-KY) and other Republicans have faulted the agreement for requiring the U.S. to cut emissions by 2025 to 26 percent to 28 percent below 2005 levels, while China can continue increasingly greenhouse gas output until 2030.

The president said he remains open to Republicans acting on immigration and will revoke any executive actions he takes if presented will a reform bill he's willing to sign. He also said he's open to working with the GOP on a number of other issues where agreement with the White House seems feasible, such as tax reform and promoting trade.

ACA Open Enrollment - Round 2

The open enrollment period for the second year of the Affordable Care Act health insurance exchanges began on Saturday, November 15th. The 7 million individuals enrolled in 2014 ACA plans have the chance to re-enroll or shop around and choose a new plan, and individuals that are not enrolled can purchase health coverage for 2015. While projections for the number of people that will enroll in ACA plans differ - Health and Human Services Secretary Sylvia Burwell has set a goal of an additional 2 million people, and the Congressional Budget Office projects that the number enrolled will grow by 6 million - over the first few days, 100,000 new applications have been submitted through Healthcare.gov, the federal health insurance website that covers 37 states. Open enrollment will close on February 15th. Read more...

McConnell and Reid Retain Top Senate Positions, Switch Titles; Status Quo in House

Senate leadership elections took place last week with no upsets. Mitch McConnell (R-KY) and Harry Reid (D-NV) will remain leaders of their respective parties in the Senate, with McConnell now Majority Leader and Reid Minority leader. The Republican deputies will retain their positions: John Cornyn (TX), John Thune (SD), John Barasso (WY), and Roy Blunt (MO) - as well as the Democratic deputies: Dick Durbin (IL), Chuck Schumer (NY), and Patty Murray (WA).

Democrats did announce two new appointments to leadership positions. Amy Klobuchar of
Minnesota will chair the Senate Democratic Steering and Outreach Committee, and Massachusetts Senator Elizabeth Warren will assume the newly created position of Senior Policy Advisor to the Democratic Policy and Communications Center. In her new role, Warren, known for her progressive politics, will serve as a spokesperson of the Democratic Caucus and a liaison to liberal groups, and will play a key role in agenda-setting for 2016. Read more...

John Boehner (R-OH) was elected to a third term as Speaker, and Kevin McCarthy (R-CA) was reelected as House Majority Leader. Also reelected, Conference Chair Cathy McMorris Rodgers (R-WA), National Republican Congressional Committee Chair Greg Walden (R-OR), Conference Vice Chair Lynn Jenkins (R-KS), and Conference Secretary Virginia Foxx (R-NC). Congressman Luke Messer (R-IN) bested Tom Reid (R-NY) and Rob Woodall (R-GA) for the Republican Policy Committee Chairmanship. House Democrats plan to hold their leadership elections on November 18. All of the top leaders - House Minority Leader Nancy Pelosi (D-CA), House Minority Whip Steny Hoyer (D-MD) and Assistant Minority Leader James Clyburn (D-SC) - are all expected to win reelection easily.

Transit Parity Supporters Urge Permanent Fix in Tax Extenders Package

Last week, Representatives Earl Blumenauer (D-OR) and Jim McGovern (D-MA) held a press conference urging their colleagues to pass a bill to permanently equalize parking and transit commuter benefits. As the law currently stands, drivers can get up to $250 per month in pre-tax commuter benefits, while public transit commuters only get a maximum $130. The bill would trim the parking benefit to $235 a month and raise the transit benefit to match, saving the federal government $131 million over 10 years. The bill already has a bipartisan group of sponsors, who are pushing to have the language tacked onto the tax extenders package, instead of letting it be considered as part of a larger tax reform discussion.

US DOT Publishes MAP-21 Guidance on Accelerated Environmental Reviews

On November 13th, the U.S. Department of Transportation published guidance on MAP-21 implementation related to accelerated decision making in environmental reviews. The provisions of the guidance take effect immediately. Read more...

U.S. and China Reach Historic Climate Agreement

Last Tuesday, President Obama announced a deal with China to reduce carbon emissions over the next two decades. Congressional Republicans criticized the deal as unworkable arguing that it puts too much responsibility on the U.S., while only requiring China to slow the growth of emissions by 2030. Administration officials, other Democrats and environmental activists cheered the announcement as a historic breakthrough in talks between the world's two largest greenhouse gas emitters, saying it sets the stage for a potentially more far-reaching global deal at upcoming United Nations discussion. Read more...

Obama Calls for "Net Neutrality;" Causes Firestorm

Last week, President Obama called on the Federal Communications Commission (FCC) to reclassify the Internet as a public utility, ensuring the Internet remain free and open to all. This comes on the heels of FCC Chairman Tom Wheeler's work on an alternative policy, which may or may not be at odds with the President's directive. AT&T responded by announcing it will hold off on rolling out its fiber broadband and video service in 100 cities until the FCC finalizes net
neutrality rules, while Senator Ted Cruz (R-TX) responded by arguing that net neutrality is like "Obamacare for the Internet." [Read more...]

Congressional Schedule

**Monday, November 17**

- House Rules Full Committee hearing on the following bills: H.R. 1422, the EPA Science Advisory Board Reform Act of 2014; H.R. 4012, the Secret Science Reform Act of 2014; and H.R. 4795, the Promoting New Manufacturing Act.

**Tuesday, November 18**

- House Transportation and Infrastructure Full Committee hearing on "FAA Reauthorization: Issues in Modernizing and Operating the Nations Airspace."
- House Homeland Security Committee Subcommittee on Emergency Preparedness, Response and Communications hearing on "Interoperable Communications: Assessing Progress since 911."
- Senate Foreign Relations Full Committee hearing to examine countering ISIL in Iraq and Syria.
- Senate Finance Committee Subcommittee on Taxation and IRS Oversight hearing to examine tax relief after a disaster, focusing on how individuals, small businesses and communities recover.

**Wednesday, November 19**

- House Energy and Commerce Committee Subcommittee on Environment and the Economy hearing on "Cyanotoxins in Drinking Water."
- House Financial Services Committee Subcommittee on Housing and Insurance hearing on "Opportunities for a Private and Competitive Sustainable Flood Insurance Marketplace."
- House Science, Space and Technology Committee Subcommittee on Oversight hearing on "The Role of the White House Chief Technology Officer in the HealthCare.gov Website Debacle."
- House Judiciary Full Committee hearing oversight of the U.S. Secret Service.

**Thursday, November 20**

- Senate Commerce, Science, and Transportation Full Committee hearing to examine the Takata airbag recalls and the National Highway Traffic Safety Administrations recall process.

**Friday, November 21**

- House Homeland Security Committee Subcommittee on Oversight and Management Efficiency hearing on "Emergency Preparedness: Are We Ready for a 21st Century
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