Weekly Legislative Update
November 18, 2013

Congressional Outlook

Week of November 18th

This week the Senate plans to tackle the annual defense authorization. There will likely be contentious debates on the prosecution of sexual assaults in the military, detention at Guantanamo Bay and the inclusion of provisions on Iran sanctions. The Senate Homeland Security and Government Affairs Committee will vote Wednesday on Jeh Johnson's nomination to be the Homeland Security secretary. The House is expected to consider three energy bills, including one that would bar the Interior Department from regulating fracking on federal land if that activity is in a state that has its own regulations. And of course there will be more hearings on the implementation of the Affordable Care Act.

Week in Review

Budget Talks Moving Slowly

Congressional budget negotiations are far from over and key negotiators have decided to move talks behind closed doors before scheduling any further public meetings.

While the congressional negotiating committee consists of 29 members, the bulk of the negotiations have been taking place between Congressman Paul Ryan (R-WI) and Senator Patty Murray (D-WA). Ryan recently raised the possibility the panel may not meet the December 13 deadline for a bipartisan agreement. While there are no immediate consequences if the December 13 deadline is not met, the current government funding extension expires on January 15.

It is believed that the two sides are trying to reach agreement on at least the outline of an agreement that could provide a discretionary spending limit for appropriators in fiscal year 2014 and possibly fiscal year 2015, as well as sequester relief. But what to include in that outline remains on the table.
Last week's public meeting on the issue came in the form of a hearing, with Congressional Budget Office Director, Douglas Elmendorf, as the only witness. He gave a list of 103 options for reducing the deficit that added up to more than $13 trillion over 10 years. Deciding on which options can be agreed upon continues to be the subject of much contentious debate among the two parties.

**Another Attempt at an Infrastructure Bank**

Last Thursday, a group of ten lawmakers led by Senators Mark Warner (D-VA) and Roy Blunt (R-MO) unveiled legislation to create a $10 billion infrastructure bank. While the vast majority of funds would be directed to projects of regional or national significance (with a price tag of $50 million or more), the proposal calls for setting aside 5 percent for rural projects costing $10 million. The bill would be funded by selling unused federal buildings. For more, click here.

**Little Hope for Tax Overhaul This Year**

House Ways and Means Chairman Dave Camp (R-MI) emerged from a meeting with GOP leaders last Thursday without a firm timeline on when his committee might mark up a bill to rewrite the tax code. With only a handful of legislative days left this year, Republicans are reluctant to deflect attention from the troubled roll out of health care. It appears that winter or early spring 2014 would likely be the latest that Camp could hold a markup; the closer Congress draws to the midterm elections, the more problematic the measure would become because of potential politically sensitive votes on tax breaks.

**Water Resources Bill Ready for House-Senate Conference**

The House of Representatives appointed WRRDA conferees last week. In all, 28 conferees were named - 16 Republicans and 12 Democrats. The Senate already named conferees several weeks ago, so the water resources bill is ready to go to a House-Senate conference.

The following House Republicans were named as conferees: House Transportation and Infrastructure Chairman Bill Shuster of Pennsylvania, John Duncan of Tennessee, Frank LoBiondo of New Jersey, Sam Graves of Missouri, Shelley Moore Capito of West Virginia, Candice Miller of Michigan, Duncan Hunter of California, Larry Bucshon of Indiana, Bob Gibbs of Ohio, Richard Hanna of New York, Daniel Webster of Florida, Tom Rice of South Carolina, Markwayne Mullin of Oklahoma and Rodney Davis of Illinois. Two GOP members of the House Natural Resources Committee were also tapped: Chairman Doc Hastings of Washington and Rob Bishop of Utah.

Nearly all of twelve Democrats appointed to the conference committee serve on the House Transportation Committee. Conferees include: Ranking member Nick Rahall of West Virginia, Peter DeFazio of Oregon, Corrine Brown of Florida, Eddie Bernice Johnson of Texas, Tim Bishop of New York, Donna Edwards of Maryland, John Garamendi of California, Janice Hahn of California, Rick Nolan of Minnesota, Lois Frankel of Florida and Cheri Bustos of Illinois. Grace Napolitano of California, a member of the Natural Resources Committee, was also named.

**FHWA Publishes Interim Guidance for CMAQ 2013**

The Federal Highways Administration (FHWA) last week issued Interim Guidance (IG) on the Congestion Mitigation and Air Quality Improvement (CMAQ) Program. The IG updates and replaces the October 2008 CMAQ Program Guidance and explains changes to the CMAQ under MAP-21.

The IG also contains changes to clarify the 2008 CMAQ Program Guidance. Because the IG contains information needed for grantees to plan CMAQ-funded projects and use CMAQ funds during FY 2013, the Interim Guidance was made effective on the date of the publication - October 12. The comment period on the Interim Guidance closes on January 13, 2014.
Highlights of the IG include:

- Project eligibility information;
- Geographic area eligibility;
- Flexibility and transferability provisions available to States;
- Requirements for annual reporting of CMAQ program obligations; and
- Discussions and interpretations of new or emphasized areas in the MAP-21, including diesel retrofits and overall diesel emissions mitigation, the new priority set-aside for PM obligations, project cost-effectiveness, and performance management requirements for both congestion and emissions measures required by MAP-21.

**House Holds Hearing on Biggert-Waters 2012 Implementation**

The House Financial Services Committee will hold a hearing on Tuesday, November 19th regarding the "Implementation of the Biggert-Waters Flood Insurance Act of 2012: Protecting Taxpayers and Homeowners." The hearing will feature testimony from Federal Emergency Management Agency Administrator Craig Fugate and will focus on the flood insurance rate making process. The hearing is prompted by concerns about recent increases to flood insurance rates under the National Flood Insurance Program (NFIP). For more information about the hearing, click here.

**Location Affordability Portal Rolled Out by Head of DOT and HUD**

Last week, Transportation Secretary Anthony Foxx and HUD Secretary Shaun Donovan introduced the "Location Affordability Portal," which helps consumers calculate their combined costs of housing and transportation. For more, click here.

**Congressional Hearing Schedule**

**Monday, November 18**


**Tuesday, November 19**

- House Transportation and Infrastructure Committee's Highways and Transit Subcommittee hearing on "How Autonomous Vehicles Will Shape the Future of Surface Transportation.
- House Homeland Security Committee's Border and Maritime Security Subcommittee hearing on "What Does a Secure Maritime Border Look Like?"
- House Science, Space, and Technology Committee hearing on "Is My Data on Healthcare.gov Secure?"
- House Financial Services Committee's Housing and Insurance Subcommittee hearing on "Implementation of the Biggert-Waters Flood Insurance Act of 2012: Protecting Taxpayers and Homeowners."
- House Rules Committee meeting to formulate a rule on H.R.1900, the "Natural Gas Pipeline Permitting Reform Act."
**Wednesday, November 20**
- House Natural Resources Committee hearing on "Oversight of the Obama Administration's Questionable Application of Sequestration to the Secure Rural Schools Program and the Costs to States, Local Economies, and Rural School Children."
- House Small Business Committee hearing on "The Startup Movement," to examine the importance of startups to the economy.
- House Energy and Commerce Committee's Health Subcommittee hearing on "Examining Public Health Legislation to Help Local Communities."
- Senate Homeland Security and Governmental Affairs Committee markup of S.1486, the "Postal Reform Act of 2013"; and vote on the nomination of Jeh Johnson to be Homeland Security secretary.
- Senate Small Business and Entrepreneurship Committee hearing on Affordable Care Act implementation and the rollout of the small business exchanges.

**Thursday, November 21**
- House Financial Services Committee's Capital Markets and Government Sponsored Enterprises Subcommittee hearing on H.R.3482, the "Restoring Main Street Investor Protection and Confidence Act."
- House Natural Resources Committee's Public Lands and Environmental Regulation Subcommittee hearing on H.R. 3286, the "Protecting States, Opening National Parks Act"; H.R. 3294, the "State-Run Federal Lands Act"; H.R. 3311, the "Providing Access and Retain Continuity (PARC) Act"; H.R. 915, to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs; and H.R. 3492, the "River Paddling Protection Act."
- House Energy and Commerce Committee's Communications and Technology Subcommittee hearing on "Oversight of FirstNet and the Advancement of Public Safety Wireless Communications."

**Friday, November 22**
- House Oversight and Government Reform Committee hearing on "ObamaCare Implementation: Sticker Shock of Increased Premiums for Healthcare Coverage."
- Senate Banking, Housing and Urban Affairs Committee hearing on "Housing Finance Reform: Developing a Plan for a Smooth Transition."
- Senate Health, Education, Labor and Pensions Committee field hearing on "Educating for the 21st Century: Bringing Today's Classrooms into the Digital Age." 1:30 p.m. ET, Phillip O. Berry Academy of Technology, 1430 Alleghany Street, Charlotte, N.C.