Weekly Legislative Update
Week of September 8th, 2014

Congressional Outlook

Week of September 8th

The House and Senate return tomorrow for two to three weeks of business before returning home to focus on the November 4th elections. Congress will not accomplish much more than passing a continuing resolution (CR) to keep the federal government running through late November, early December. Other major policy items remain on hold, at least until Congress returns for the lame-duck session after the elections, and possibly until next year (depending on which party controls the Senate). Congress will consider “messaging” bills in advance of the elections. Those include a bill to block the Environmental Protection Agency and U.S. Army Corps of Engineers from implementing a proposed rule to define regulated water bodies under the Clean Water Act (likely to pass in the House; stall in the Senate); a bill to increase the minimum wage (likely to pass in the Senate; stall in the House); and a bill to amend provisions of the 2010 health-care law (likely to pass in the House; stall in the Senate).

It is still unclear what might be attached to the CR. For example, the Export-Import Bank’s charter expires on September 30. A temporary extension may be attached. The CR may also include funding to address the unresolved child-migrant crisis on the U.S.-Mexico border.

The current moratorium on Internet access taxes expires on November 1. The House passed H.R. 3086, which would permanently prohibit state and local governments from taxing Internet access. The Senate introduced The Marketplace and Internet Tax Fairness Act (S. 2609) in July that would combine the Marketplace Fairness Act (S. 743), which passed the Senate last year with strong bipartisan support, with a ten-year extension of the Internet Tax Freedom Act (ITFA). No vote on this bill is currently scheduled, but Senate Majority Leader Harry Reid has signaled a possible vote before the Senate recesses again. It is more likely, however, that Congress will pass a short-term extension of the ITFA.

President Obama meets tomorrow with congressional leaders at the White House to discuss U.S.
strategy on the Islamic State terrorist groups (ISIS), and bills may be introduced later this week authorizing the use of military force.

The agenda for the lame-duck session will largely depend on whether the Republicans take control of the Senate. Republicans need to gain six seats to change the balance of power. If they do, a slower lame-duck session will ensue as Republicans would prefer to wait until they assume control in January to pursue their priorities. Either way, Congress will focus on an omnibus FY 2015 spending package (a certainty if Democrats retain Senate control), tax extenders (more likely if Dems retain control), and a defense authorization bill (currently a 52-year streak of passing a measure).

Week in Review

Obama Delays Executive Immigration Action

White House officials announced Saturday that President Obama will delay plans to issue an executive order on immigration until after the midterm elections. The delay reflects Democratic concerns that a sweeping executive order might further endanger the Senate majority. Advisers to the President believe that an immigration announcement before the midterm elections in November would inject the controversial issue into a highly charged campaign environment that would encourage members of both parties to take more hardline positions on the issue than they normally would.

The decision is a reversal of the President's promise in June to issue broad directives to overhaul the immigration system soon after summer's end. Administration officials believe that waiting until after the election season is over will allow the President to unveil sweeping and sustainable changes to the immigration system that could potentially shield millions of illegal immigrants from deportation and provide work permits for many.

Congressional Schedule

Monday, September 8
- House Rules Full Committee hearing on the following measures: H.R. 5078, "Waters of the United States Regulatory Overreach Protection Act of 2014;" and H. Res. 644, Condemning and disapproving of the Obama administration's failure to comply with the lawful statutory requirement to notify Congress before releasing individuals detained at United States Naval Station, Guantanamo Bay, Cuba, and expressing national security concerns over the release of five Taliban leaders and the repercussions of negotiating with terrorists.

Tuesday, September 9
- House Natural Resources Full Committee hearing on the following bills: H.R. 1314, to

- House Transportation and Infrastructure Committee Subcommittee on Highway and Transit hearing on "Surface Transportation Infrastructure Projects: Case Studies of the Federal Environmental Review and Permitting Process."
- House Rules Committee hearing on H.R. 3255, the "Employee Health Care Protection Act of 2013."
- Senate Homeland Security and Governmental Affairs Full Committee oversight hearing on "Federal Programs for Equipping State and Local Law Enforcement."
- Senate Veterans Affairs Full Committee hearing on the state of VA health care.

**Wednesday, September 10**

- House Agriculture Committee Subcommittee on Conservation, Energy and Forestry hearing to review the U.S. Forest Service's proposed groundwater directive.
- House Natural Resources Committee Subcommittee on Water and Power hearing on H.R. ____, the "Bureau of Reclamation Surface Water Storage Streamlining Act."
- Senate Agriculture, Nutrition, and Forestry Full Committee hearing to consider the nomination of Lisa Afua Serwah Mensa to be Under Secretary of Agriculture for Rural Development.
- Senate Commerce, Science, and Transportation Full Committee hearing on "Freight Rail Service: Improving the Performance of America's Rail System."
- Senate Homeland Security and Governmental Affairs Full Committee hearing on "Cybersecurity, Terrorism, and Beyond: Addressing Evolving Threats to the Homeland."