



## Weekly Legislative Update Week of February 1, 2016

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### Week of February 1st

The House and Senate are both in session this week. The House voted on [8 bills](#) under suspension of the rules today, including [H.R. 2209](#), which would allow banks to use highly rated municipal bonds to satisfy liquidity requirements. That measure passed this afternoon. For the remainder of the week, the House will consider the following five bills: (1) the "Iran Terror Finance Transparency Act" ([H.R. 3622](#)), which would prevent the government from lifting sanctions on individuals involved with Iran's ballistic missile program; (2) a vote to override President Obama's January 8 [veto](#) of a reconciliation package, the "Restoring Americans' Healthcare Freedom Reconciliation Act of 2015" ([H.R. 3762](#)), which repeals the Affordable Care Act and defunds Planned Parenthood; (3) the "Housing Opportunity Through Modernization Act of 2015" ([H.R. 3700](#)), which would make changes to Section 8 and other housing assistance programs; (4) the "Encouraging Employee Ownership Act of 2015" ([H.R. 1675](#)), which would loosen some Securities and Exchange Commission (SEC) rules related to providing a safe harbor for investment fund research reports and expanding disclosure exemptions for companies that offer employee stock options; and (5) the "Financial Institution Customer Protection Act of 2015" ([H.R. 766](#)), which would bar financial regulators from requiring banks to close customer accounts based solely on a company's reputation risk and which is intended to limit the Justice Department's "Operation Choke Point."

The Senate this week will continue its consideration of the "Energy Policy Modernization Act of 2015" ([S. 2012](#)) and [190 amendments](#) that have been submitted for the bill. Senate Energy and Natural Resources Committee Chairman Lisa Murkowski (R-AK) has said that she'll oppose partisan or unrelated amendments to the bill, which seeks to strengthen building codes, increase cybersecurity protections for the electricity grid, and expedite the licensing process for hydropower projects. Senate Majority Leader Mitch McConnell (R-KY) said he anticipates that consideration of the bill will conclude this week with bipartisan support. Supporters of several contentious amendments acknowledged they face an uphill battle to garner the 60 votes that will be needed to get their measures on the bill. Controversial amendments filed on the bill include,

among others, provisions calling for \$600 million to help Flint, Michigan recover from its water crisis, and the curtailing of several Interior Department and Environmental Protection Agency (EPA) rules regulating coal leases on federal lands, expanded clean water protections, and regulation of greenhouse gases.

On Tuesday, President Obama will meet with Speaker Paul Ryan (R-WI) for the first time since his ascension to the post in October. Senate Majority Leader Mitch McConnell (R-KY) will also participate in the meeting. The meeting was delayed by the snowstorm that struck Washington last weekend. President Obama and Speaker Ryan share some policy goals, including an interest in overhauling the U.S. criminal justice system and concluding a large trade pact with Pacific Rim nations.

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## **Senate Begins Consideration of Comprehensive Energy Bill, Adopts 11 Amendments**

On January 27, the Senate began consideration of the "Energy Policy Modernization Act of 2015" ([S. 2012](#)), which would expand liquefied natural gas exports, permanently reauthorize the Land and Water Conservation Fund (LWCF), and update other energy and efficiency regulations that have not been changed since 2007. On January 27 and 28, 190 amendments were filed for consideration by the full Senate to the bill (see [here](#) and [here](#)), including some from both parties that could jeopardize the entire measure. Additionally, the White House issued a [Statement of Administration Policy](#) on Wednesday stating that "The Administration appreciates the bipartisan support for addressing key energy and conservation priorities in S. 2012 [and] looks forward to working with the Congress to address these and other concerns as the bill moves through the legislative process." However, the White House also [expressed](#) concern with certain provisions in the bill as well, including those that would repeal Department of Energy (DOE) programs and oversight.

On Thursday, the Senate [voted](#) in favor of 11 amendments to S. 2012 including:

- ε Senate Amendment #2965 (advanced research projects), which passed by a vote of [55-37](#);
- ε Senate Amendment #2982 (GAO review of energy production/crude report), which passed by a vote of [62-29](#);
- ε Senate Amendment #3021 (nuclear energy technologies), which passed by a vote of [87-4](#);
- ε Senate Amendment #3029 (Indian tribal energy development), which passed by voice vote;
- ε Senate Amendment #2984 (water and wastewater treatment facilities), which passed by voice vote;
- ε Senate Amendment #3001 (geothermal), which passed by voice vote;
- ε Senate Amendment #3063 (ethane storage study), which passed by voice vote;
- ε Senate Amendment #3020 (Gibson Dam project), which passed by voice vote;
- ε Senate Amendment #3067 (modernization of terms relating to minorities), which passed by voice vote;
- ε Senate Amendment #3017, (carbon dioxide capture technology prize), which passed by

voice vote; and

ε Senate Amendment #2968, (smart manufacturing), which passed by voice vote.

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## **President Obama Signs GONE Act Into Law**

On January 28, President Obama [signed](#) the "Grants Oversight and New Efficiency (GONE) Act" ([S. 1115](#)) into law. The GONE Act requires the White House Office of Management and Budget (OMB) to direct federal agencies to coordinate with the U.S. Department of Health and Human Services (HHS) to submit a report to Congress that identifies remaining expired federal grants. HHS was charged with leading a previous effort that closed out thousands of expired grants. Following the submission of this report to Congress, federal agencies then have one year to confirm that they have closed out all expired grants. Additionally, the Inspector General of a federal agency receiving over \$500 million in annual grant funding is required to conduct a risk assessment to determine if an audit or review of the agency's grant closeout process is necessary. In April 2012, the Government Accountability Office (GAO) released a [report](#) entitled "Grants Management: Action Needed to Improve the Timeliness of Grant Closeouts by Federal Agencies," which evaluated the grant closeout process. The GAO report identified nearly one billion dollars remaining in undisbursed funds within expired federal grant accounts. It is also estimated that federal agencies spend \$2 million dollars per year to maintain accounts with no funds in them. [Read more...](#)

## **Senate To Take Up Opioid Abuse Legislation in 2016**

Senate Majority Leader Mitch McConnell (R-KY) said last Wednesday that he hopes the Senate will take up bipartisan legislation to address opioid abuse before the end of 2016. Senate Republican leaders spoke at length about the bill, the "Comprehensive Addiction and Recovery Act of 2015" ([S. 524](#)), which was the topic of a Senate Judiciary Committee hearing. Sens. Sheldon Whitehouse (D-RI) and Rob Portman (R-OH) [introduced](#) the measure last February, and the legislation has eight Republicans among its 25 cosponsors. The bill aims "to address the national epidemics of prescription opioid abuse and heroin use." Additionally, the bill would provide a series of incentives and resources designed to encourage states and local communities to pursue a full array of proven strategies to combat addiction. [Read more...](#)

## **House Democrats Hold Policy Retreat**

Last week, the 188 members of the House Democratic Caucus convened in Baltimore, Maryland for a three-day policy conference with the theme of "United for Opportunity." House Democrats said Friday that they have a clear election-year message - low unemployment, health insurance for millions and dropping gas prices. President Obama and Vice President Biden delivered separate pep talks to the House Democrats on Thursday with President Obama promising Democrats that the party will win the White House in November and Vice President Biden likening the GOP presidential primary to a "gift from the Lord" for Democrats trying to win control of the House and Senate. Earlier in the week on Tuesday, Obama and Biden met with House Minority Leader Nancy Pelosi (D-CA) and Senate Minority Leader Harry Reid (D-NV) in the Oval Office to discuss several issues they want Congress to address this year, including criminal justice reform, Puerto Rico's debt and opioid abuse. The four leaders today also talked about continuing to "adequately" fund domestic and national security priorities, as well as growing the economy. [Read more...](#)

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## Monday, February 1

- ⌘ House Rules Committee meets to formulate a rule for H.R. 3700, the "Housing Opportunity Through Modernization Act of 2015."

## Tuesday, February 2

- ⌘ House Rules Committee meets to formulate a rule for H.R. 766, the "Financial Institution Customer Protection Act of 2015"; and H.R. 1675, the "Encouraging Employee Ownership Act of 2015."
- ⌘ Full House Agriculture Committee markup of the Budget Views and Estimates Letter of the Committee on Agriculture for the agencies and programs under the jurisdiction of the Committee for FY 2017.
- ⌘ House Agriculture Subcommittee on Biotechnology, Horticulture and Research hearing entitled "Opportunities and challenges in direct marketing-A view from the field."
- ⌘ Full House Education and the Workforce Committee markup of H.R. 4294, the "Strengthening Access to Valuable Education and Retirement Support (SAVERS) Act of 2015"; and H.R. 4293, the "Affordable Retirement Advice Protection Act."
- ⌘ House Energy and Commerce Subcommittee on Energy and Power legislative hearing on eight energy infrastructure bills: H.R. 3021, the "Air Survey Act of 2015"; H.R. 2984, the "Fair Ratepayer Accountability, Transparency, and Efficiency Standards (RATES) Act"; H.R. \_\_\_\_\_, a bill "to amend section 203 of the Federal Power Act"; H.R. 2080, a bill "to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving Clark Canyon Dam"; H.R. 2081, a bill "to extend the deadline for commencement of construction of a hydroelectric project involving the Gibson Dam"; H.R. 3447, a bill "to extend the deadline for commencement of construction of a hydroelectric project involving the W. Kerr Scott Dam"; H.R. \_\_\_\_\_, a bill "to extend the deadline for commencement of construction of a hydroelectric project involving the Jennings Randolph Dam"; and H.R. \_\_\_\_\_, a bill "to extend the deadline for commencement of construction of a hydroelectric project involving the Cannonsville Dam."
- ⌘ House Energy and Commerce Subcommittee on Communications and Technology hearing entitled "Status of the Public Safety Broadband Network."
- ⌘ House Financial Services Subcommittee on Oversight and Investigations hearing entitled "Unsustainable Federal Spending and the Debt Limit."
- ⌘ House Homeland Security Subcommittee on Transportation Security hearing entitled "Assessing TSA's Management and Implementation of the Screening Partnership Program: Part II."
- ⌘ Full House Homeland Security Committee markup of: H.R. 4383, the "DHS Human Trafficking Prevention Act of 2016"; H.R. \_\_\_\_\_, the "National Strategy to Combat Terrorist Travel Act of 2016"; H.R. \_\_\_\_\_, the "Enhancing Overseas Traveler Vetting Act"; H.R. \_\_\_\_\_, the "Foreign Fighter Review Act of 2016"; H.R. \_\_\_\_\_, the "Amplifying Local Efforts to Root out Terror Act of 2016"; H.R. \_\_\_\_\_, the "Counterterrorism Advisory Board Act of 2016"; H.R. \_\_\_\_\_, the "Terrorist and Foreign Fighter Travel Exercise Act of 2016"; and H.R. \_\_\_\_\_, the "DHS Acquisition Documentation Integrity Act of 2016".
- ⌘ Full House Judiciary Committee closed hearing entitled "FISA Amendments Act."
- ⌘ House Judiciary Subcommittee on Courts, Intellectual Property, and the Internet legislative

- hearing on H.R. 1057, the "Promoting Automotive Repair, Trade, and Sales (PARTS) Act."
- ε House Natural Resources Subcommittee on Water, Power and Oceans legislative hearing on H.R. 3070, the "EEZ Clarification Act"; and H.R. 4245, a bill "to exempt importation and exportation of sea urchins and sea cucumbers from licensing requirements under the Endangered Species Act of 1973."
  - ε House Natural Resources Subcommittee on Indian, Insular and Alaska Native Affairs hearing entitled "The Need for the Establishment of a Puerto Rico Financial Stability and Economic Growth Authority."
  - ε Full House Natural Resources Committee markup of 18 bills:
    - o H.R. 482, the "Ocmulgee Mounds National Historical Park Boundary Revision Act of 2015";
    - o H.R. 812, the "Indian Trust Asset Management Demonstration Project Act of 2015";
    - o H.R. 890, a bill "to correct the boundaries of the John H. Chafee Coastal Barrier Resources System Unit P16";
    - o H.R. 894, a bill "to extend the authorization of the Highlands Conservation Act";
    - o H.R. 1296, a bill "to amend the San Luis Rey Indian Water Rights Settlement Act to clarify certain settlement terms, and for other purposes";
    - o H.R. 1475, the "Korean War Veterans Memorial Wall of Remembrance Act of 2015";
    - o H.R. 1815, the "Eastern Nevada Land Implementation Improvement Act";
    - o H.R. 2273, a bill "to amend the Colorado River Storage Project Act to authorize the use of the active capacity of the Fontenelle Reservoir";
    - o H.R. 2538, the "Lytton Rancheria Homelands Act of 2015";
    - o H.R. 2857, a bill "to facilitate the addition of park administration at the Coltsville National Historical Park, and for other purposes";
    - o H.R. 2880, the "Martin Luther King, Jr. National Historical Park Act of 2015";
    - o H.R. 3004; a bill "to amend the Gullah/Geechee Cultural Heritage Act to extend the authorization for the Gullah/Geechee Cultural Heritage Corridor Commission";
    - o H.R. 3036, the "National 9/11 Memorial at the World Trade Center Act";
    - o H.R. 3079, a bill "to take certain Federal land located in Tuolumne County, California, into trust for the benefit of the Tuolumne Band of Me-Wuk Indians, and for other purposes";
    - o H.R. 3371, the "Kennesaw Mountain National Battlefield Park Boundary Adjustment Act of 2015"; H.R. 3342, a bill "to provide for stability of title to certain lands in the State of Louisiana, and for other purposes";
    - o H.R. 3620, a bill "to amend the Delaware Water Gap National Recreation Area

Improvement Act to provide access to certain vehicles serving residents of municipalities adjacent to the Delaware Water Gap National Recreation Area, and for other purposes"; and

o H.R. 4119, a bill "to authorize the exchange of certain land located in Gulf Islands National Seashore, Jackson County, Mississippi, between the National Park Service and the Veterans of Foreign Wars, and for other purposes."

- ε Full House Science, Space, and Technology Committee hearing entitled "Paris Climate Promise: A Bad Deal for America."
- ε House Small Business Subcommittee on Economic Growth, Tax and Capital Access hearing entitled "SBA Management Review: Oversight of SBA's Entrepreneurial Development Offices."
- ε House Transportation and Infrastructure Subcommittee on Water Resources and Environment roundtable policy discussion entitled "Building Upon Success: Priorities for the Water Resources Development Act of 2016."
- ε House Veterans' Affairs Subcommittee on Health hearing entitled "Choice Consolidation: Evaluating Eligibility Requirements for Care in the Community."
- ε Full House Ways and Means Committee hearing entitled "Reaching America's Potential: Delivering Growth and Opportunity for All Americans."
- ε Full Senate Homeland Security and Governmental Affairs hearing entitled "Frontline Response to Terrorism in America."
- ε Full Senate Judiciary Committee hearing entitled "The Failures and Future of the EB-5 Regional Center Program: Can it be Fixed?"
- ε Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights hearing entitled "License to Compete: Occupational Licensing and the State Action Doctrine."

### **Wednesday, February 3**

- ε House Agriculture Subcommittee on Nutrition hearing entitled "Reviewing incentive programs aimed at increasing low-income families' purchasing power for fruits and vegetables."
- ε House Appropriations Subcommittee on State, Foreign Operations, and Related Programs oversight hearing entitled "Assistance to Combat Wildlife Trafficking."
- ε Full House Budget Committee Members' Day.
- ε Full House Education and the Workforce Committee hearing entitled "Expanding Educational Opportunity Through School Choice."
- ε House Energy and Commerce Subcommittee on Energy and Power legislative hearing on H.R. 3797, the "Satisfying Energy Needs and Saving the Environment (SENSE) Act" and H.R. \_\_\_\_\_, the "Blocking Regulatory Interference from Closing Kilns (BRICK) Act."
- ε House Financial Services Committee Task Force to Investigate Terrorism Financing hearing entitled "Trading with the Enemy: Trade-Based Money Laundering is the Growth Industry in Terror Finance."
- ε Full House Homeland Security Committee hearing entitled "Crisis of Confidence: Preventing Terrorist Infiltration Through U.S. Refugee and Visa Programs."
- ε Full House Judiciary Committee markup of H.R. 3624, the "Fraudulent Joinder Prevention Act"; a Resolution establishing the "House Committee on the Judiciary Executive Overreach Task Force"; and the Budget Views and Estimates for FY 2017.

- ε Full House Natural Resources Committee continuation of markup of 18 bills.
- ε Full House Oversight and Government Reform Committee hearing entitled "Examining Federal Administration of the Safe Drinking Water Act in Flint, Michigan."
- ε House Oversight and Government Reform Subcommittee on Transportation and Public Assets hearing entitled "Securing Our Skies: Oversight of Aviation Credentials."
- ε House Science, Space, and Technology Subcommittee on Space hearing entitled "Charting a Course: Expert Perspectives on NASA's Human Exploration Proposals."
- ε House Small Business Subcommittee on Contracting and the Workforce hearing entitled "SBA Management Review: Office of Government Contracts and Business Development."
- ε House Transportation and Infrastructure Subcommittee on Coast Guard and Maritime Transportation hearing entitled "The Status of Coast Guard Cutter Acquisition Programs."
- ε Full House Veterans' Affairs Committee hearing entitled "Lost Opportunities for Veterans: An Examination of VA's Technology Transfer Program."
- ε Full Senate Budget Committee hearing "to examine spending on unauthorized programs."
- ε Full Senate Environment and Public Works Committee hearing entitled "The Stream Protection Rule: Impacts on the Environment and Implications for Endangered Species Act and Clean Water Act Implementation."
- ε Full Senate Homeland Security and Governmental Affairs hearing entitled "Canada's Fast-Track Refugee Plan: Unanswered Questions and Implications for U.S. National Security."
- ε Full Senate Indian Affairs Committee markup of S. 1125, the "Blackfeet Water Rights Settlement Act of 2015"; and S. 1983, the "Pechanga Band of Luiseno Mission Indians Water Rights Settlement Act."
- ε Full Senate Indian Affairs Committee oversight hearing entitled "Reexamining the Substandard Quality of Indian Health Care in the Great Plains" and listening session entitled "Putting Patients First: Addressing Indian Country's Critical Concerns Regarding HIS."
- ε Full Senate Judiciary Committee hearing entitled "The Need for Transparency in the Asbestos Trusts."

## **Thursday, February 4**

- ε Full House Budget Committee hearing entitled "CBO's Budget and Economic Outlook."
- ε House Energy and Commerce Subcommittee on Health hearing entitled "Examining Implementation of the Biologics Price Competition and Innovation Act."
- ε House Judiciary Subcommittee on Immigration and Border Security hearing entitled "Another Surge of Illegal Immigrants Along the Southwest Border: Is this the Obama Administration's New Normal?"
- ε Full House Oversight and Government Reform Committee hearing entitled "Developments in the Prescription Drug Market: Oversight."
- ε House Science, Space, and Technology Subcommittees on Oversight & Research and Technology hearing entitled "A Review of Recommendations for NSF Project Management Reform."
- ε Senate Commerce, Science, and Transportation Subcommittee on Communications, Technology, Innovation, and the Internet hearing entitled "Ensuring Intermodal Universal Service Fund (USF) Support for Rural America."
- ε Full Senate Finance Committee nomination hearing to consider the nominations of Mary Katherine Wakefield to be Deputy Secretary of the U.S. Department of Health and Human Services; Andrew LaMont Eanes to be Deputy Commissioner of Social Security at the Social Security Administration; and Elizabeth Ann Copeland to be a Judge of the U.S. Tax



Court.

- Full Senate Homeland Security and Governmental Affairs nomination hearing for Beth F. Cobert to be Director of the Office of Personnel Management.

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