



Weekly Legislative Update Week of March 7, 2016

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Week of March 7th

The Senate is in session this week while the House is in recess. On Monday, the Senate will vote on the motion to conclude debate on the "Comprehensive Addiction and Recovery Act (CARA) of 2016" ([S. 524](#)), which would authorize \$389.5 million in grants for FYs 2016-2020, awarded by the U.S. Department of Health and Human Services (HHS) and the U.S. Department of Justice (DOJ) to combat a growing epidemic of prescription opioid abuse. Authorized funds could be used for treatment and recovery services, alternatives to prison for nonviolent offenders, law enforcement initiatives and programs to prevent overdose deaths and improper prescriptions. Eligible recipients include state, local, tribal governments, educational institutions and nonprofit organizations. A final vote on the bill will likely occur mid-week and Senate Minority Leader Harry Reid (D-NV) has stated that Senate Democrats will not block the bill.

The Senate may also proceed this week to final passage of the "Energy Policy Modernization Act of 2015" ([S. 2012](#)), which would revise programs related to energy cybersecurity, efficiency, infrastructure and supply management. The bill has been paired with the "Safe Drinking Water Act Improved Compliance Awareness Act" ([H.R. 4470](#)), which the House passed on February 10 by a [416-2 vote](#), to help municipalities, such as Flint, Michigan, clean up tainted drinking water supplies by providing \$220 million in new lending authority to fix polluted municipal drinking water systems. Senate Energy and Natural Resources Committee Chairman Lisa Murkowski (R-AK) has been trying to resolve colleagues' demands for votes on amendments to the energy bill while Senator Mike Lee (R-UT) has placed a procedural hold on the bill, [stating](#) on March 4 that he was objecting to the agreement on the Flint measure and the energy bill because "federal aid is not needed at this time." Senator David Vitter (R-LA) has also placed a hold on the bill, in an attempt to add language to promote fishing opportunities in the Gulf of Mexico. Members from both parties say until Lee's and Vitter's concerns are resolved, the energy bill and the Flint aid measure are at a standstill.

On Monday, Senate Budget Committee Chairman Mike Enzi (R-WY) [announced](#) that "the

committee will postpone possible action on the FY 2017 budget resolution this month, but that discussions will continue on a path forward for the fiscal blueprint." In response, Senate Democratic leadership on Monday [sent](#) a letter to Senate Majority Leader Mitch McConnell (R-KY) urging him to adhere to the principles [agreed to](#) in the [Bipartisan Budget Act \(BBA\) of 2015](#), as Congress prepares to begin the FY 2017 appropriations process. They added that because of the deal, Senators can start work on individual appropriations bills without waiting for the Senate to pass another budget. "The BBA not only sets the total amount of discretionary spending for Fiscal Year 2017, it establishes the levels for both non-defense and defense programs, including the levels of Overseas Contingency Operations (OCO). These decisions mean there is no need to wait for adoption of another budget resolution before the Appropriations Committee decides how to divide resources among its subcommittees and allows those subcommittees to get to work," the Senators wrote. Meanwhile McConnell told House Republicans last week that he [plans](#) to dedicate three months this year to moving appropriations bills.

House Republicans are still mired in a budget standoff with increasingly few options to resolve their internal dispute. House Budget Committee Chairman Tom Price (R-GA) has outlined a budget plan that would stick to the \$1.07 trillion FY 2017 discretionary spending level agreed to last October and offer separate legislation to cut \$30 billion in direct spending over two years. House hardliners are less than thrilled by the proposal, even though they acknowledge that Chairman Price has gone out of his way to accommodate their concerns. Two-thirds of House Republicans opposed last fall's budget deal, and a number of fiscal hawks would prefer that this year's budget stick to a previous cap. Many conservatives have signaled a willingness to vote for higher spending in return for guaranteed mandatory cuts. But that is a difficult, if not impossible, lift for House leaders in the face of almost certain opposition from Senate Democrats and the White House. The impasse even has one GOP budgeteer, Rep. Tom McClintock (R-CA), [advocating](#) intricate changes to the chamber's budget and spending rules. One GOP leadership aide said a decision on how to move forward would have to wait until lawmakers return to Washington the week of March 14.

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Senate Begins Debate on Comprehensive Addiction and Recovery Act of 2016

The Senate last week began consideration of the "Comprehensive Addiction and Recovery Act (CARA) of 2016" ([S. 524](#)), which would authorize \$77.9 million in grants per year, from fiscal years 2016-2020, awarded by the U.S. Department of Health and Human Services (HHS) and the U.S. Department of Justice (DOJ) to combat a growing epidemic of prescription opioid abuse. Authorized funds could be used for treatment and recovery services, alternatives to prison for nonviolent offenders, law enforcement initiatives and programs to prevent overdose deaths and improper prescriptions. Eligible recipients would include state, local, and tribal governments, educational institutions and nonprofit groups. Some programs would assist specific populations of opioid users such as prisoners, young people and pregnant women. Many of the bill's provisions would direct HHS and the Justice Department to coordinate with each other on grant decisions, support evidence-based practices, provide technical assistance to grant recipients and ensure an equitable geographic distribution of funds.

During the week of February 29, the Senate voted on the following five amendments to S. 524:

- ε Sens. Pat Toomey (R-PA), Sherrod Brown (D-OH), Tim Kaine (D-VA), and Rob Portman's (R-OH) Amendment No. [3367](#), which passed by voice vote on March 2: establishes a life-saving program to prevent drug and opioid abuse in Medicare;
- ε Sens. Dianne Feinstein (D-CA), Chuck Grassley (R-IA), Kelly Ayotte (R-NH), and Maria Cantwell's (D-WA) Amendment No. [3362](#), which passed by a vote of [94-0-1](#) on March 2: provides the U.S. Department of Justice with additional tools to target extraterritorial drug trafficking activity;
- ε Sens. Ron Wyden (D-OR), Chuck Schumer (D-NY), and Patty Murray's (D-WA) Amendment No. [3395](#), which did not pass by a vote of [46-50](#) on March 2: would provide for comprehensive provisions for the prevention and enforcement of opioid abuse and treatment of opioid addiction;
- ε Sens. Jeanne Shaheen (D-NH), Sheldon Whitehouse (D-RI), Kelly Ayotte (R-NH), Richard Blumenthal (D-CT), Martin Heinrich (D-NM), Mazie Hirono (D-HI), Amy Klobuchar (D-MN), Deb Stabenow (D-MI), Tom Udall (D-NM), Tammy Baldwin (D-WI), Bob Casey (D-PA), Angus King (I-ME), Chuck Schumer (D-NY), Ron Wyden (D-OR), Elizabeth Warren (D-MA), Rob Portman (R-OH), and Maria Cantwell's (D-WA) Amendment No. [3345](#), which did not pass by a vote of [48-47](#) on March 2: would appropriate \$600 million in emergency funds to address the heroin and opioid drug abuse epidemic for FY 2016; and
- ε Senator Joe Manchin's (D-WV) Amendment No. [3420](#), which passed by a vote of [90-0](#) on March 3: strengthens consumer education about the risks of opioid abuse and addiction.

Senate Majority Leader Mitch McConnell (R-KY) has scheduled a final cloture vote on S. 524 on Monday, March 7 along with a vote on Sens. Joe Donnelly (D-IN) and Shelley Moore Capito's (R-WV) Amendment No. [3374](#), which would provide follow-up services to individuals who have received opioid overdose reversal drugs. The Senate is then expected to hold a final vote on passage of the amended bill during the week of March 7. The White House issued a [Statement of Administration Policy](#) on March 1 for S. 524, stating that the "Administration looks forward to working with the Congress on securing funding to provide families and communities with the support they need for opioid abuse prevention and to ensure that treatment is available for those who seek it." [Read more...](#)

House Passes FEMA Disaster Assistance Reform Act of 2015

On February 29, the House passed, by voice vote, the "FEMA Disaster Assistance Reform Act of

2015" ([H.R. 1471](#)), which would reauthorize FEMA for three years and would authorize \$150 million for the National Urban Search and Rescue Response System, establish rates for reimbursing state and local governments for administrative costs incurred to implement disaster recovery projects, and commission a study of disaster costs and losses. The bill also reinstates a 3-year statute of limitations on FEMA's ability to reclaim funds based on an agency change in policy determination after an applicant has already spent the funds on projects previously determined to be eligible and clarifies mitigation activities related to wildfires and earthquakes. The bill now heads to the Senate for consideration. [Read more...](#)

House Passes ALERT Act

On February 29, the House passed, by voice vote, the "Amplifying Local Efforts to Root out Terror (ALERT) Act of 2016" ([H.R. 4401](#)), authorizes the U.S. Department of Homeland Security (DHS) to train state and major urban area fusion centers (local and state law enforcement personnel) in the most effective tactics and methods used to counter terrorism. It also provides increased community awareness of ongoing terrorist threats, and directs DHS to notify Congress on the number of security clearances they issue to state and local law enforcement communities. The bill now heads to the Senate for consideration. [Read more...](#)

House Financial Services Committee Passes Flood Insurance Reform Bill

On March 2, the House Financial Services Committee passed, by a vote of [53-0](#), the "Flood Insurance Market Parity and Modernization Act" ([H.R. 2901](#)), which requires private flood insurance to be treated the same as federal flood insurance for homeowners with federally backed mortgages who are required to buy coverage. Supporters of the bill believe that it will foster more competition in the flood insurance market, providing an alternative for 5 million property owners who rely on the U.S. government's National Flood Insurance Program (NFIP). The current mandatory purchase requirement does not require that the insurance coverage be provided under the NFIP, however, mortgage lenders have said they are uncertain that private flood coverage satisfies current regulations and have mostly only accepted NFIP policies. Committee Democrats supported the bill after [new language](#) ramping up oversight, along with disclosures about coverage amounts and deductible levels, was adopted unanimously by the Committee. If enacted, the bill would be but one step lawmakers say is necessary for flood insurance reform. Others include updating the FEMA flood mapping methods and investing more in disaster damage mitigation. The NFIP is up for reauthorization in 2017, giving lawmakers a window to hone solutions. A Senate companion bill ([S. 1679](#)) was introduced by Sen. Dean Heller (R-NV) last June. [Read more...](#)

House Passes Medicaid Reform Bill

On March 2, the House passed, by a vote of [406-0](#), the "Ensuring Terminated Providers are Removed from Medicaid and CHIP Act" ([H.R. 3716](#)), which would codify and expand requirements that states share information when they terminate the participation of health-care providers in Medicaid and the Children's Health Insurance Program as well as requiring state Medicaid agencies to establish databases with information about fee-for-service and other providers. The bill would create additional requirements for Medicaid and CHIP, like data reporting, to ensure that states have all information necessary to enforce certain requirements of the Affordable Care Act (ACA), and would require that states pay back the federal portion of Medicaid and CHIP payments made to terminated providers for services performed more than sixty days after a provider's termination. The ACA contained a provision that prohibited providers terminated "for cause" relating to quality, integrity, or fraud, in one state's Medicaid program from participating in another state's program. The legislation also contains the language from the "Medicaid Directory of Caregivers (DOC) Act," ([H.R. 3821](#)) which increases the efficiency of the

Medicaid program by creating a searchable database that is more patient friendly and would provide beneficiaries served under the Medicaid fee-for-service or primary care case management programs with a directory of physicians participating in the program so those patients can receive the most up to date information and are able to find doctors who accept Medicaid more quickly and efficiently. The White House issued a [Statement of Administration Policy](#) for H.R. 3716, stating that it "supports House passage [...] because it improves program integrity for Medicaid and CHIP." [Read more...](#)

Speaker Ryan Moves Ahead With Promised Overhaul of House Rules

On March 3, it was reported that House Speaker Paul Ryan (R-WI) and House GOP leadership has quietly launched a 10-month process aimed at overhauling both their party and the institution's rules, following through on Speaker Paul Ryan's campaign promise to change the way the chamber operates. The effort is focused on all aspects of how Congress works, with meetings and hearings on issues ranging from "restoring balance to the authorization and appropriations process" to targeted sessions on the "process for removing elected leaders." The collaborative structure is clearly designed to give the entire conference buy-in to the process. The process will begin March 15, with a closed meeting on "conference agenda setting/dispute resolution" and a public hearing on "improving legislative transparency." In April, the House Rules Committee will hold an open hearing on "restoring balance to the authorization and appropriations process." In May, the GOP will hold a closed meeting on the "process for removing elected leaders." In September, it will consider changes to the party rules. In November, Republican lawmakers will consider changes to the party rules. In December, they'll release "recommended major changes to the House Rules." And in January, both will get a vote. [Read more...](#)

Five House GOP Task Forces Release Mission Statements

During the past two weeks, the House Republican's five new task forces on National Security, Tax Reform and Reducing Regulatory Burdens, Health Care, Poverty and Opportunity, and Constitutional Authority, released their mission statements outlining the goals and principles of each task force. The task forces are made up of GOP committee chairs who are taking input and ideas from members. The goal is for them to produce their ideas sometime this spring, in advance of the selection of a Republican presidential nominee. House leaders have said they expect whoever the nominee, the candidate will want to embrace the House's agenda. Speaker Ryan announced the creation of the task forces after a GOP retreat in January, saying that House Republicans would build ideas that would show voters in the upcoming elections what the GOP could accomplish if a Republican were elected to the White House. [Read more...](#)

F r q j u h v l r q d e # f k h g x d

Tuesday, March 8

- ε Senate Appropriations Subcommittee on Financial Services and General Government hearing "to review the Fiscal Year 2017 budget request and funding justification for the U.S. Department of Treasury."
- ε Senate Appropriations Subcommittee on Homeland Security hearing "to review the Fiscal Year 2017 budget request and measure results for U.S. Customs and Border Protection & U.S. Immigration and Customs Enforcement."
- ε Senate Appropriations Subcommittee on Legislative Branch hearing "to review the Fiscal Year 2017 budget request and funding justification for the Government Accountability Office and the Congressional Budget Office."
- ε Senate Commerce, Science, and Transportation Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security hearing entitled "The State of the U.S. Maritime Industry: The Federal Role."
- ε Full Senate Energy and Natural Resources Committee hearing "to examine the U.S. Forest Service's budget request for Fiscal Year 2017."
- ε Full Senate Homeland Security and Governmental Affairs Committee hearing entitled "The Homeland Security Department's Budget Submission for Fiscal Year 2017."

Wednesday, March 9

- ε Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies hearing "to review the Fiscal Year 2017 budget request and funding justification for the Indian Health Service."
- ε Senate Appropriations Subcommittee on Defense hearing "to review the Fiscal Year 2017 budget request and funding justification for the Defense Health Program."
- ε Senate Appropriations Subcommittee on Agriculture, Food and Drug Administration, and Related Agencies hearing "to review the Fiscal Year 2017 budget request and funding justification for the U.S. Department of Agriculture."
- ε Senate Appropriations Subcommittee on Energy and Water Development hearing "to review the Fiscal Year 2017 budget request and funding justification for the U.S. Department of Energy."
- ε Full Senate Environment and Public Works Committee hearing entitled "Cooperative Federalism: State Perspectives on EPA Regulatory Actions and the Role of States as Co-Regulators."
- ε Full Senate Health, Education, Labor, and Pensions Committee markup of the "Advancing Hope Act of 2015" (S. 1878); the "Advancing Breakthrough Medical Devices for Patients Act of 2015" (S. 1077); the "Medical Electronic Data Technology Enhancement for Consumers Health Act" (S. 1101); the "Medical Countermeasures Innovation Act of 2015" (S. 2055); the "Combination Products Innovation Act of 2015" (S. 1767); the "Patient Focused Impact Assessment Act of 2015" (S. 1597); the "Adding Zika Virus to the FDA Priority Review Voucher Program Act" (S. 2512); and the nomination of Dr. John King to Serve as U.S. Secretary of Education.
- ε Full Senate Indian Affairs Committee oversight hearing entitled "The President's FY2017 Indian Country Budget."
- ε Full Senate Judiciary Committee hearing entitled "Oversight of the U.S. Department of Justice."
- ε Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights

hearing entitled "Oversight of the Enforcement of the Antitrust Laws."

Thursday, March 10

- ⌘ Senate Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies hearing "to review the Fiscal Year 2017 budget request for the U.S. Department of Education."
- ⌘ Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies hearing "to review the Fiscal Year 2017 budget request and funding justification for the National Aeronautics and Space Administration."
- ⌘ Senate Appropriations Subcommittee on Military Construction, Veterans Affairs, and Related Agencies hearing "to review the Fiscal Year 2017 and 2018 budget request for the U.S. Department of Veterans Affairs."
- ⌘ Senate Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies hearing "to review the Fiscal Year 2017 budget request and funding justification for the U.S. Department of Housing and Urban Development."
- ⌘ Full Senate Finance Committee hearing entitled "HealthCare.gov: A Review of Operations and Enrollment."
- ⌘ Senate Homeland Security and Governmental Affairs' Permanent Subcommittee on Investigations hearing entitled "Review of the Affordable Care Act Health Insurance CO-OP Program."
- ⌘ Full Senate Judiciary Committee markup of the "Expatriate Terrorist Act" (S. 247) and the "Federal Bureau of Investigation Whistleblower Protection Enhancement Act of 2015" (S. 2390).
- ⌘ Full Senate Small Business and Entrepreneurship Committee hearing entitled "Up in the Air: Examining the Commercial Applications of Unmanned Aircraft for Small Businesses."

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