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## Weekly Legislative Update Week of November 2, 2015

### Congressional Outlook

#### Week of November 2nd

The House and the Senate are in session this week. The House is scheduled to vote on [9 bills and resolutions](#) under suspension of the rules on Monday. For the remainder of the week, the House will consider a six-year highway authorization bill, which would set up a long-anticipated conference committee between the House bill and the Senate-passed DRIVE Act. The House may also consider revised legislation related to the FY2016 National Defense Authorization Act (NDAA), which was recently vetoed by President Obama. On Tuesday, the Senate will vote on the motion to invoke cloture on the motion to proceed to [S. 1140](#), the "Federal Water Quality Protection Act," which would force the EPA and U.S. Army Corps of Engineers to rewrite the "Waters of the United States" (WOTUS) rule by December 31, 2016 under specified guidelines. The Senate may also consider [S.J. Res. 22](#), a resolution permitted under the Congressional Review Act, which would nullify the WOTUS rule.

The House Rules Committee on Monday and Tuesday will consider [270 amendments](#) to both [H.R. 3763](#), the "Surface Transportation Reauthorization and Reform Act (STRRA) of 2015" and to other non-transportation related provisions contained in the Senate amendment to [H.R. 22](#), the "DRIVE Act". Both measures would reauthorize highway, transit and safety programs for six years. Compared with the Senate bill, the STRRA would provide less money for highway and transit and more money for some safety programs. The STRRA doesn't offer an alternative to the Senate's financing plan, which would cover about three years, however, it does include a mechanism to suspend authority for the programs from fiscal years 2019 through 2021 unless Congress provides additional money to the Highway Trust Fund.

Now that the House and Senate have [passed](#) a deal to [raise](#) current spending caps and lift the debt ceiling through March 2017, Congress will turn its attention to the next battle in the budget wars: passing an "omnibus spending bill" (all appropriations bills rolled into one large spending measure). The current continuing resolution (CR) funding the government expires on Friday, December 11, meaning Congress has little more than a month to pass an omnibus bill to fund the entire federal government through September 30, 2016. The process of creating, and passing that bill before the December deadline is sure to be contentious. Senate Minority Leader Harry Reid (D-NV) has already said that Senate Democrats will [stand firm](#) against a bill that includes any partisan policy riders. Provisions to defund Planned Parenthood, roll back the Obama Administration's environmental agenda, and change the banking regulatory system are all likely candidates for Republican appropriators to push in negotiations.

## Week in Review

### Congress Passes Bipartisan Two-Year Budget Deal

Last week, the House and Senate passed, by votes of [266-167](#) and [64-35](#), respectively, the "Bipartisan Budget Act of 2015" ([H.R. 1314](#)). President Obama [signed](#) the bill into law on November 2. The [agreement](#) averted a government default that would have taken place on November 3, raised spending caps for military and domestic spending by \$80 billion over two years, and, perhaps most significantly, staved off another debt ceiling showdown until March 2017, after the 2016 presidential election. The [bill](#) also prevents Medicare Part B premiums from rising next year by as much as 52% for millions of seniors. Former Speaker John Boehner (R-OH) fulfilled his promise to "clean out the barn" for incoming Speaker Paul Ryan (R-WI) by making sure the budget deal received a vote in the House. It was Boehner's last chance to work with the four negotiating partners - Senate Majority Leader Mitch McConnell (R-KY), Senate Minority Leader Harry Reid (D-NV), House Minority Leader Nancy Pelosi (D-CA), and President Obama - whom he worked with on many agreements over his tenure as the House's leader. The Obama Administration issued a [Statement of Administration Policy](#) supporting H.R. 1314 and stating that it "looks forward to working with the Congress to enact responsible, full-year FY 2016 appropriations - without ideological riders - based on this agreement in order to continue growing the Nation's economy and creating jobs." [Read more...](#)

### Paul Ryan Elected 54th Speaker of the House

On October 29, Rep. [Paul Ryan](#) (R-WI) was elected as the 54th Speaker of the U.S. House of Representatives with [236 votes](#), 18 more than is required to receive a simple majority vote of the whole House. Ryan won the speakership with only 10 conservative defections, relieving party leaders after weeks of tumult. In exchange for their support, Ryan [promised](#) conservatives that he would pursue an overhaul of the chamber's rules to increase members' involvement, as the House Freedom Caucus has long [called](#) for. In his first speech to the House as Speaker, Ryan vowed to give committee chairman and rank-and-file members more power over crafting the legislation that comes before the House and stated that it is time to fix a "broken" House and begin solving the nation's problems instead of adding to them. Ryan's elevation has two top Republicans battling to succeed him as chairman of the House Ways and Means Committee. Rep. Kevin Brady (R-TX) and Rep. Pat Tiberi (R-OH) are both running for the chairmanship. Brady ran against Paul Ryan for the position last time it was open, while Tiberi is close to former Speaker John Boehner (R-OH).

Boehner resigned as Speaker on October 29 shortly after Ryan was elected by the House and then resigned from his Ohio congressional seat on October 31. [Read more...](#)

## President Obama Signs Three-Week Transportation Funding Extension Into Law

Last week the House and Senate passed the "Surface Transportation Extension Act of 2015" ([H.R. 3819](#)) by voice vote; President Obama [signed](#) the bill into law on October 29. The bill extends through Friday, November 20, authority and funding for the Department of Transportation's surface transportation programs and extends the deadline for compliance with Positive Train Control (PTC) system implementation for railroads by three years, to December 31, 2018. The bill marks the 35th short-term extension to the Highway Trust Fund passed by Congress since 2009. Both parties hope that the extension will give them enough time to reach a long-term bill to reauthorize the Highway Trust Fund, which is being considered by the House this week. [Read more...](#)

## Senate Passes Cybersecurity Bill

On October 27, the Senate passed, by a vote of [74-21](#), the "Cybersecurity Information Sharing Act (CISA) of 2015" ([S. 754](#)). The legislation is aimed to promote information-sharing between the government and private companies to defend against cyber-attacks. It comes on the heels of the House-passed "Protecting Cyber Networks Act" ([H.R. 1560](#)) and the "National Cybersecurity Protection Advancement Act of 2015" ([H.R. 1731](#)), meaning that all 3 bills will go to conference committee to determine the final form of the cybersecurity legislation. The White House urged members to produce a final version of a cybersecurity bill to put on President Obama's desk as soon as possible and it [supports](#) S. 754. Senator Richard Burr (R-NC), sponsor of the Senate-passed measure, said the conference process would take some time, and that he "wouldn't expect anything until after the first of the year." Several privacy provisions added to the bill played greatly into getting it through passage by softening the opposition from the tech industry. [Read more...](#)

## House Votes To Reauthorize the Export-Import Bank

On October 27, the House voted [313-118](#) to pass the "Export-Import Bank Reform and Reauthorization Act of 2015" ([H.R. 597](#)). The legislation reauthorizes the Export-Import Bank of the United States for four years, through September 30, 2019, and makes several other reforms to the Ex-Im Bank. The vote on the bill was made possible through a rarely used "discharge petition," which allows legislation to skip the committee process and go straight to the floor if a majority of the House backs the petition. While Senate Majority Leader Mitch McConnell (R-KY) has vowed not to use floor time to pass a clean reauthorization of the Ex-Im Bank, supporters of Ex-Im will attempt to keep the reauthorization of the Bank in the final version of the long-term transportation bill being voted on by the House this week, and then being conferenced with the Senate later this month. H.R. 597 is identical to the Senate's Mark Kirk (R-IL)-Heidi Heitkamp (D-ND) legislation that passed the Senate by a bipartisan vote of [64-29](#) as an amendment to the DRIVE Act on July 27. [Read more...](#)

## House Passes Bill to Halt DOL's Fiduciary Rule

On October 27, the House voted [245-186](#) to pass the "Retail Investor Protection Act" ([H.R. 1090](#)). The bill would prohibit the U.S. Department of Labor (DOL) from moving forward on its proposed rulemaking regarding an expansion of investment advice standards for broker-dealers who engage in retirement investment advice. The bill would prohibit the DOL from issuing a final rule until at

least sixty days after the Securities and Exchange Commission (SEC) issues a rule for the standards of conduct for brokers. The bill also does not require the SEC to issue its own rule, so delaying the Department of Labor until SEC acts could effectively prevent the Labor Department from ever issuing its rule. The White House has [threatened to veto](#) H.R. 1090. [Read more...](#)

## Congressional Schedule

### Monday, November 2

- Full House Rules Committee meets to formulate a rule on H.R. 22, the DRIVE Act.

### Tuesday, November 3

- Full House Rules Committee meets to consider amendments to H.R. 22, the DRIVE Act.
- House Energy and Commerce Subcommittees on Commerce, Manufacturing, and Trade & Communications and Technology joint hearing entitled "Examining the EU Safe Harbor Decision and Impacts for Transatlantic Data Flows."
- House Energy and Commerce Subcommittee on Health hearing entitled "Examining Legislation to Improve Medicare and Medicaid."
- House Energy and Commerce Subcommittee on Energy and Power markup of H.J. Res. 71 and H.J. Res. 72, "Providing for congressional disapproval under chapter 8 of title 5, United States Code, of rule[s] submitted by the Environmental Protection Agency relating to 'Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units' & 'Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units'."
- House Energy and Commerce Subcommittee on Health markup of 7 bills, including H.R. 2646, the "Helping Families in Mental Health Crisis Act" and H.R. 3821, the "Medicaid Directory of Caregivers Act."
- Full House Financial Services Committee markup of 10 bills, including H.R. 2209, "to require the appropriate Federal banking agencies to treat certain municipal obligations as level 2A liquid assets, and for other purposes."
- Full House Homeland Security Committee hearing entitled "Defending Against Bioterrorism: How Vulnerable Is America?"
- House Judiciary Subcommittee on Courts, Intellectual Property, and the Internet hearing entitled "International Data Flows: Promoting Digital Trade In the 21st Century."
- House Judiciary Subcommittee on Regulatory Reform, Commercial, and Antitrust Law legislative hearing on H.R. 3438, the "Require Evaluation Before Implementing Executive Wishlists (REVIEW) Act of 2015" and H.R. 2631, the "Regulatory Predictability for Business Growth Act of 2015."
- Full House Oversight and Government Reform Committee hearing entitled "TSA: Security Gaps."
- House Oversight and Government Reform Subcommittee on Government Operations & Information Technology joint hearing entitled "Preparing for the 2020 Census: Will the Technology Be Ready?"

- House Science, Space, and Technology Subcommittees on Environment & Oversight joint hearing entitled "Renewable Fuel Standard: A Ten-Year Review of Costs and Benefits."
- House Veterans' Affairs Subcommittee on Economic Opportunity hearing entitled "Examining VA's Information Technology Systems that Provide Economic Opportunities for Veterans."
- House Ways and Means Subcommittee on Health hearing entitled "The Status of the Consumer Operated and Oriented Plan (CO-OP) Program, established under the President's health care law."
- Senate Judiciary Subcommittee on Privacy, Technology, and the Law hearing entitled "Data Brokers-Is Consumers' Information Secure?"

## Wednesday, November 4

- Full House Agriculture Committee hearing entitled "American Agriculture and our National Security."
- House Homeland Security Subcommittee on Border and Maritime Security hearing entitled "A New Approach to Increase Trade and Security: An Examination of U.S. Customs and Border Protection's Public Private Partnerships."
- Full House Homeland Security Committee markup of 7 bills, including H.R. \_\_\_\_\_, the "State and Local Cyber Protections Act of 2015."
- House Natural Resources Subcommittee on Federal Lands legislative hearing on H.R. 1815, the "Eastern Nevada Implementation Improvement Act" and H.R. 3342, "to provide for the stability of title to certain lands in the State of Louisiana."
- House Natural Resources Subcommittee on Energy and Mineral Resources legislative hearing on H.R. 3843, the "Locatable Minerals Claim Location and Maintenance Fees Act of 2015" and H.R. 3844, the "Energy and Minerals Reclamation Foundation Establishment Act of 2015."
- House Natural Resources Subcommittee on Indian, Insular and Alaska Native Affairs legislative hearing on H.R. 2009, the "Pascua Yaqui Tribe Land Conveyance Act of 2015"; H.R. 2719, the "Tribal Coastal Resiliency Act"; and H.R. 3079, "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."
- House Oversight and Government Reform Subcommittee on Interior hearing entitled "Stream Protection Rule."
- House Small Business Subcommittee on Contracting and the Workforce & House Veterans' Affairs Subcommittee on Oversight and Investigations joint hearing entitled "An Examination of Continued Challenges in VA's Vets First Verification Process."
- Full Joint Economic Committee hearing entitled "Ensuring Success for the Social Security Disability Insurance Program and Its Beneficiaries."
- Full Senate Budget Committee hearing entitled "A Biennial Approach to Better Budgeting."
- Full Senate Commerce, Science, and Transportation Committee hearing entitled "Zero Stars: How Gagging Honest Reviews Harms Consumers and the Economy."

## Thursday, November 5

- House Energy and Commerce Subcommittee on Energy and Power hearing entitled "Energy Security Roundtable."
- House Energy and Commerce Subcommittee on Oversight and Investigations hearing entitled "Examining the Costly Failures of Obamacare's CO-OP Insurance Loans."

- Full House Science, Space, and Technology Committee hearing entitled "Examining EPA's Predetermined Efforts to Block the Pebble Mine."
- Full Senate Agriculture, Nutrition, and Forestry Committee hearing entitled "Wildfire: Stakeholder Perspectives on Budgetary Impacts and Threats to Natural Resources on Federal, State and Private Lands."
- Senate Homeland Security and Governmental Affairs Subcommittee on Regulatory Affairs and Federal Management hearing entitled "Agency Process in Retrospective Review of Existing Regulations."

## **Friday, November 6**

- Senate Appropriations Subcommittee on Military Construction, Veterans Affairs, and Related Agencies field hearing "to review whistleblower claims at the U.S. Department of Veterans Affairs."