



Weekly Legislative Update Week of April 18, 2016

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Week of April 18th

The House and Senate are both in session this week. On Monday and Tuesday, the House will vote on [15 bills](#) under suspension of the rules and for the remainder of the week, the House will vote on [four bills](#) which would put new curbs on the Internal Revenue Service (IRS), in honor of Tax Day, including one that would bar IRS employee bonuses until the tax agency devises a plan to improve customer service.

The Senate will wrap up debate and is expected to pass the FAA Reauthorization bill ([S. 2658](#)), that reauthorizes FAA operations and revenue sources through September 30, 2017. Senators have reached an agreement to move ahead on a broad, bipartisan energy bill, the "Energy Policy Modernization Act of 2015" ([S. 2012](#)), which has been stalled since February; the deal was struck last week after Democrats dropped a demand that the bill include a provision to help the city of Flint, Michigan clean up its tainted drinking water. A [series](#) of amendment votes and a vote on final passage are expected to be fast-tracked and take place all in one day, perhaps as early as Tuesday. Senate Majority Leader Mitch McConnell (R-KY) has also filed cloture on the [first](#) appropriations bill for fiscal year (FY) 2017 in either chamber: the \$37.5 billion "Energy and Water Development and Related Agencies Appropriations Act, 2017" ([S. 2804](#)). That bill is teed up to move to the floor after completion of the FAA and energy bills. Senate Majority Leader McConnell has said he is prepared to spend at least 12 weeks considering appropriations measures in the Senate.

The House GOP's [inability](#) to agree on a budget resolution by the April 15 deadline means that appropriators will have to wait until May 15 before House rules allow them to bring individual spending bills to the floor. GOP leaders could also pursue a deeming resolution that would establish top-line spending limits, much like a budget. But because doing so would require leaning on Democratic votes, there is little interest among Republican lawmakers to pursue that route. House GOP leaders continue to try to persuade reluctant Republicans to support a proposal that sets discretionary spending at the \$1.070 trillion-level Congress agreed to last year

in a two-year budget deal. The full House Appropriations Committee is set to [markup](#) its own FY 2017 Energy & Water Development and Agriculture Appropriations bills on Tuesday, while the full Senate Appropriations Committee will [markup](#) its FY 2017 Transportation-HUD and Commerce-Justice-Science Appropriations bills on Thursday.

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Senate Continues Consideration of FAA Reauthorization Bill

Last week, the Senate continued its consideration of the "Federal Aviation Administration Reauthorization Act of 2016" ([S. 2658](#)), reauthorizing the FAA through September 30, 2017. Senators [decided](#) not to include a provision to extend tax credits for renewable energy sources. Democrats had previously threatened to block the entire bill without the tax credits for geothermal, fuel cell and other alternative sources, but they relented on April 12 when it became clear that the bill would not pass because of Republican opposition. Democrats said they will let the relatively bland FAA measure move forward and work with Republicans on another tax credit bill sometime in the future. On April 11, the Senate agreed to [12 amendments](#) to the FAA bill by voice vote, including:

- ε Sen. Jim Inhofe's (R-OK) amendment #3492, amending sec. 2126 to require the FAA to establish a process to allow beyond-line-of-sight Unmanned Aerial System (UAS) usage related to pipeline safety and protection;
- ε Sen. Michael Bennet's (D-CO) amendment #3524, striking section 3113 (disclosure of child seating practices) and replacing it with language requiring the Transportation Security Administration (TSA) to formalize screening procedures to allow adult caregivers to accompany minor children, requiring the FAA to issue regulations directing airlines to include pregnant women in nondiscrimination policies, and prescribe regulations to force airlines to give adjacent seats to family members under age 13 at no additional cost; and
- ε Sen. Sheldon Whitehouse's (D-RI) amendment #3623, adding a new "Drone Operator Safety Act" creating a new federal criminal offense in title 18 U.S.C. for unsafe operation of unmanned aircraft.

On April 14, the Senate voted [94-4](#) to invoke cloture on the FAA legislation. On April 18, the Senate will vote to move forward on the legislation and Senate Commerce Committee Chairman John Thune (R-SD) and Ranking Member Bill Nelson (D-FL) said they hope to advance an additional package of 25 or 30 non-controversial bipartisan amendments by unanimous consent before a final vote on the bill. The White House issued a [Statement of Administration Policy](#) for the Senate's FAA bill, stating that "The Administration appreciates the Senate's bipartisan effort to advance an aviation reauthorization bill. [...] Though the Administration believes that eighteen months do not provide the long-term certainty that the FAA needs to advance on its critical priorities, the Administration appreciates that the bill is intended to enable a longer-term dialogue about the future of our aviation system. [...]The Administration looks forward to working with the Congress to pass an FAA reauthorization bill that strengthens our aviation system, improves safety, and maintains the leadership of the U.S. in global aviation." The House and Senate have until July 15, 2016 to pass either a long-term FAA bill or another short-term extension to avoid a shutdown of the FAA. [Read more...](#)

House Passes Bill Barring FCC From Regulating Internet Rates

On April 15, the House passed, by a vote of [241-173](#), the "No Rate Regulation of Broadband Internet Access Act" ([H.R. 2666](#)), which would prohibit the Federal Communications Commission (FCC) from regulating the rates that Internet Service Providers (ISPs) may charge for broadband Internet service. The debate about government regulation of the monthly prices that ISPs charge customers has been hotly debated ever since the FCC passed its net neutrality regulations on a divided vote last year. The regulations focus on policing abusive conduct from companies like Comcast and Verizon, and are touted as a way to ensure that traffic flows freely for consumers and web companies. The FCC rules reclassified ISPs as common carriers - strict rules that would allow the commission to prevent those companies from blocking, throttling or creating paid fast lanes for preferred web traffic. The FCC decided to avoid applying the type of utility-style

regulations that came along with reclassifying internet service. The White House issued a [Statement of Administration Policy](#) for H.R. 2666, threatening to veto the bill and stating that "...H.R. 2666 would restrict the FCC's ability to take enforcement actions to protect consumers on issues where the FCC has received numerous consumer complaints. The bill also would hamstring the FCC's public interest authority to review transactions. H.R. 2666 also could limit the Commission's ability to address new practices and adapt its rules for a dynamic, fast-changing online marketplace." [Read more...](#)

House Passes Homeland Security Grants Bill

On April 13, the House passed, by voice vote, the "State and High-Risk Urban Area Working Group Act" ([H.R. 4509](#)), which would require states and high-risk urban areas that receive funding under the Homeland Security Grant Program to establish a state planning committee or urban area working group, unless a similar committee or commission already exists. The bill would:

- ε Require any State or high-risk urban area receiving funding under the State Homeland Security Grant Program or the Urban Area Security Initiative to establish a State planning committee or urban area working group to assist the State in preparation and revision of threat and hazard identification and risk assessments and determining effective funding priorities for grant funds;
- ε Require State planning committees and high-risk urban area working groups to include representatives from each of the following stakeholder communities: (1) local and tribal government officials; (2) emergency response providers (fire service, law enforcement, emergency medical services and emergency managers); (3) public health officials and appropriate medical practitioners; (4) individuals representing educational institutions, including elementary schools, community colleges, and other institutions of higher learning; (5) State and regional interoperable communications coordinators, as appropriate; and (6) State and major urban area fusion centers, as appropriate;
- ε Require members of the State planning committee or urban area working group to be from the counties, cities, towns, and Indian tribes within the State or high-risk urban area, including rural, high-population, and high-threat jurisdictions; and
- ε Clarify that States or high-risk urban areas that already use a multi-jurisdictional planning committee or commission that meets the requirements of this act are not required to create a new State Planning Committee or urban area working group.

[Read more...](#)

President Obama Signs Integrated Public Alert and Warning System Modernization Act Into Law

On April 11, President Obama [signed](#) the "Integrated Public Alert and Warning System Modernization Act of 2015" ([S. 1180](#)) into law, which formally authorizes FEMA's Integrated Public Alert and Warning System from FY 2016-FY 2018. The Senate had previously passed the bill on July 9, 2015 by Unanimous Consent and the House passed it by voice vote on March 21, 2016. FEMA would be required to ensure the system can reach diverse populations and has the capacity to be updated with future technologies. The system was first established by the U.S. Department of Homeland Security (DHS) in 2007 pursuant to an executive order issued in 2006 by President George W. Bush. IPAWS was created to deliver emergency alerts to communities across the country and provide information on how to respond to disasters using different types of technology, including satellite radios, computers, mobile phones, and traditional radio and TV communications. Under the bill, FEMA would be required to establish or adopt common alerting and warning protocols, standards, terminology and operating procedures for IPAWS. The bill would also require the agency to, among other things:

- ε Adapt the distribution and content of communications to various geographic areas;
- ε Ensure alerts are accessible to diverse populations, including individuals with disabilities and those with limited-English proficiency;
- ε Conduct nationwide tests of the system at least once every three years;
- ε Protect the system against terrorist attacks; and
- ε Consult and coordinate with the Federal Communications Commission (FCC).

The system would have to be capable of adapting to and incorporating future technologies for communicating directly with the public, and designed to improve messaging capabilities in remote areas and those with underdeveloped communications infrastructure. FEMA would also need to ensure the system protects individual privacy to the extent it's feasible. The bill would direct FEMA, within one year of enactment and annually thereafter through 2018, to publish performance reports online and FEMA would be prohibited from altering existing wireless emergency alerts services managed by the FCC or requiring state or local governments to use the system. Additionally, FEMA would establish, within 90 days of enactment, a subcommittee under the National Advisory Council to review how IPAWS is operating and recommend improvements. Recommendations would be provided to the council within a year of enactment, and if approved, submitted to relevant federal agencies and Congress. Subcommittee members would include state and local government officials. [Read more...](#)

House and Senate Appropriations Committees Begin Marking Up FY 2017 Appropriations Bills

Last week, the House and Senate Appropriations Committees began marking up FY 2017 appropriations bills. On April 14, the full Senate Appropriations Committee [approved](#), by a vote of 29-1, its [302\(b\) allocations](#) for each of its twelve subcommittees' FY 2017 appropriations bills, totaling \$1.07 trillion in base funding and adhering to the statutory spending caps recently enacted by the Bipartisan Budget Act of 2015. The full Senate Appropriations Committee then approved, by a vote of 30-0, favorably reporting its \$37.5 billion [FY 2017 Energy and Water Development Appropriations bill](#) (summary available [here](#) & Report language available [here](#)) to the full Senate for consideration. The Senate will consider the FY 2017 Energy and Water Development Appropriations bill during the week of April 18, using the House-passed FY 2016 E&W Appropriations bill ([H.R. 2028](#)) as a vehicle to pass the Senate's own FY 2017 Appropriations bill. The Senate Appropriations Committee also approved, by a vote of 30-0, favorably reporting its \$83 billion FY 2017 Military Construction-Veterans Affairs Appropriations [bill](#) to the full Senate for consideration.

On April 13, the full House Appropriations Committee [passed](#) its \$81.6 billion FY 2017 MilCon-VA Appropriations bill. On April 14, the House Appropriations Subcommittees on [Energy and Water Development](#) and [Agriculture](#), respectively, passed their FY 2017 Appropriations bills. The full House Appropriations Committee will [mark](#) these bills up, in addition to its Revised Report on the Interim Suballocation of Budget Allocations, on April 19.

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Monday, April 18

- ⌘ House Energy and Commerce Subcommittee on Communications and Technology markup of: the "Kelsey Smith Act of 2016" (H.R. 4889); "Kari's Law Act of 2015" (H.R. 4167); the "Controlling the Unchecked and Reckless Ballooning of the (CURB) Lifeline Fund Act" (H.R. 4884); the "Rural Health Care Connectivity Act of 2015" (H.R. 4111); the "Spectrum Challenge Prize Act of 2015" (H.R. 4190); the "Securing Access to Networks in Disasters (SANDy) Act" (H.R. 3998); and the "Anti-Swatting Act of 2015" (H.R. 2031).
- ⌘ Full House Rules Committee hearing to consider a rule for the "No Hires for the Delinquent IRS Act" (H.R. 1206); the "Ensuring Integrity in the IRS Workforce Act of 2015" (H.R. 3724); the "IRS Oversight While Eliminating Spending (OWES) Act of 2016" (H.R. 4885); and a bill "To impose a ban on the payment of bonuses to employees of the Internal Revenue Service until the Secretary of the Treasury develops and implements a comprehensive customer service strategy" (H.R. 4890).

Tuesday, April 19

- ⌘ House Agriculture Subcommittee on Commodity Exchanges, Energy, and Credit hearing entitled "Focus on the Farm Economy: Tightening Credit Conditions."
- ⌘ Full House Appropriations Committee markup of the FY 2017 Agriculture Bill, Energy and Water Development Bill, and Revised Report on the Interim Suballocation of Budget Allocations.
- ⌘ Senate Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies Subcommittee markup of the FY 2017 Transportation-HUD bill.
- ⌘ Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies markup of the FY 2017 Commerce-Justice-Science bill.
- ⌘ House Education and the Workforce Subcommittee on Workforce Protections hearing entitled "Reviewing Recent Changes to OSHA's Silica Standards."
- ⌘ House Energy and Commerce Subcommittee on Oversight and Investigations hearing entitled "Deciphering the Debate Over Encryption: Industry and Law Enforcement Perspectives."
- ⌘ House Energy and Commerce Subcommittee on Health hearing entitled "Medicare Access and CHIP Reauthorization Act of 2015: Examining Physician Efforts to Prepare for Medicare Payment Reforms."
- ⌘ Full Senate Energy and Natural Resources Committee hearing "to examine challenges and opportunities for oil and gas development in different price environments."
- ⌘ Full Senate Environment and Public Works Committee hearing entitled "Examining the President's FY 2017 budget request for the U.S. Environmental Protection Agency."
- ⌘ House Homeland Security Subcommittee on Border and Maritime Security hearing entitled "Keeping Pace with Trade, Travel, and Security: How Does CBP Prioritize and Improve Staffing and Infrastructure?"
- ⌘ House Homeland Security Subcommittee on Transportation Security hearing entitled "Pipelines: Securing the Veins of the American Economy."
- ⌘ Full Senate Homeland Security and Governmental Affairs Committee roundtable entitled "Preventing Drug Trafficking Through International Mail."
- ⌘ House Judiciary Subcommittee on Immigration and Border Security hearing entitled "The Real Victims of a Reckless and Lawless Immigration Policy: Families and Survivors Speak

- Out on the Real Cost of This Administration's Policies."
- ⌘ House Judiciary Committee Executive Overreach Task Force hearing entitled "Executive Overreach in Domestic Affairs Part II: IRS Abuse, Welfare Reform, and Other Issues."
 - ⌘ Full Senate Judiciary Committee hearing entitled "Ensuring Accountability for Crime Survivors: Assessing The Crime Victims Fund After Three Decades."
 - ⌘ Full House Natural Resources Committee oversight hearing on "Recent Changes to Endangered Species Critical Habitat Designation and Implementation."
 - ⌘ House Natural Resources Subcommittee on Energy and Mineral Resources legislative hearing on the "Cooperative Management of Mineral Rights Act of 2015" (H.R. 3881).
 - ⌘ Full House Oversight and Government Reform Committee hearing entitled "Document Production Status Update, Part II."
 - ⌘ Full House Oversight and Government Reform Committee hearing entitled "DATA Act: Monitoring Implementation Progress."
 - ⌘ House Science, Space, and Technology Subcommittee on Space hearing entitled "The Commercial Space Launch Industry: Small Satellite Opportunities and Challenges."
 - ⌘ Full House Veterans' Affairs Committee hearing entitled "A Continued Assessment of Delays in Veterans' Access to Health Care."
 - ⌘ House Ways and Means Subcommittee on Oversight hearing entitled "The Tax Return Filing Season and efforts to address identity theft related tax fraud and cybersecurity threats."

Wednesday, April 20

- ⌘ Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies Subcommittee hearing to "review the Fiscal Year 2017 budget request and funding justification for the U.S. Environmental Protection Agency."
- ⌘ Senate Appropriations Subcommittee on Defense hearing to "review the Fiscal Year 2017 budget request and funding justification for Defense innovation and research."
- ⌘ Full Senate Budget Committee hearing entitled "Fixing the Broken Budget Process and Restoring Stability to Government Operations."
- ⌘ 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: Stakeholder Perspectives."
- ⌘ Joint Economic Committee hearing entitled "Is Our Complex Code Too Taxing on the Economy?"
- ⌘ House Energy and Commerce Subcommittee on Environment and the Economy hearing entitled "Fiscal Year 2017 Nuclear Regulatory Commission Budget."
- ⌘ Full Senate Environment and Public Works Committee hearing entitled "New Approaches and Innovative Technologies to Improve Water Supply."
- ⌘ Full Senate Finance Committee open executive session to "Consider and Original Bill to Prevent Identity Theft and Tax Refund Fraud and the Taxpayer Protection Act of 2016."
- ⌘ Full Senate Homeland Security and Governmental Affairs Committee hearing entitled "The Administrative State: An Examination of Federal Rulemaking."
- ⌘ Full House Judiciary Committee markup of the "Defend Trade Secrets Act" (S. 1890); the "Bulletproof Vest Partnership Grant Program Reauthorization Act" (S. 125); the "Transnational Drug Trafficking Act" (H.R. 3380); and amending the "Foreign Narcotics Kingpin Designation Act" (H.R. ____).
- ⌘ House Natural Resources Subcommittee on Water, Power and Oceans legislative hearing

- on the "Environmental Compliance Cost Transparency Act of 2015" (H.R. 1869); the "Water Recycling Acceleration Act of 2015" (H.R. 2993); and the "Save Our Salmon (SOS) Act" (H.R. 4582).
- ⌘ House Natural Resources Subcommittee on Federal Lands hearing entitled "Exploring Current Natural Resource Research Efforts and the Future of America's Land-Grant Colleges and Universities."
 - ⌘ House Oversight and Government Reform Subcommittee on Information Technology hearing entitled "Federal Cybersecurity Detection, Response, and Mitigation."
 - ⌘ House Oversight and Government Reform Subcommittee on Interior hearing entitled "Barriers to Endangered Species Act Delisting, Part I."
 - ⌘ House Science, Space, and Technology Subcommittee on Energy hearing entitled "An Overview of Fusion Energy Science."
 - ⌘ Full House Small Business Committee hearing entitled "Small Business and the Federal Government: How Cyber-Attacks Threaten Both."
 - ⌘ Full House Transportation and Infrastructure Committee markup of the "Protecting our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2016" (H.R. 4937).
 - ⌘ House Veterans' Affairs Subcommittee on Health legislative hearing on a bill "To amend title 38, United States Code, to improve the provision of adult day health care services for veterans" (H.R. 2460); the "VA Health Center Management Stability and Improvement Act" (H.R. 3956); the "Grow Our Own Directive: Physician Assistant Employment and Education Act of 2015" (H.R. 3974); the "Support Our Military Caregivers Act" (H.R. 3989); draft legislation "to ensure that each VA medical facility complies with requirements relating to scheduling veterans for health care appointments and to improve the uniform application of directives"; and draft legislation "to direct VA to establish a list of drugs that require an increased level of informed consent."
 - ⌘ House Veterans' Affairs Subcommittee on Economic Opportunity hearing entitled "A Review of Veterans Preference in Federal Government Hiring."

Thursday, April 21

- ⌘ Full Senate Appropriations Committee markup of the FY 2017 Commerce-Justice-Science and Transportation-HUD appropriations bills.
- ⌘ House Energy and Commerce Subcommittee on Environment and the Economy hearing entitled "EPA's Brownfields Program: Empowering Cleanup and Encouraging Economic Redevelopment."
- ⌘ Senate Energy and Natural Resources Subcommittee on Public Lands, Forests and Mining legislative hearing on the following bills: the "Owyhee Wilderness Areas Boundary Modifications Act" (S. 1167); the "Central Coast Heritage Protection Act" (S. 1423); the "Wild Olympics Wilderness and Wild and Scenic Rivers Act of 2015" (S. 1510); the "Oregon Wildlands Act" (S. 1699); a bill "to amend the Wild and Scenic Rivers Act to authorize the Secretary of Agriculture to maintain or replace certain facilities and structures for commercial recreation services at Smith Gulch in Idaho, and for other purposes" (S. 1777); a bill "to convey, without consideration, the reversionary interests of the United States in and to certain non-Federal land in Glennallen, Alaska" (S. 2018); the "Black Hills National Cemetery Boundary Expansion Act" (S. 2223); the "Udall Park Land Exchange Completion Act of 2015" (S. 2379); and the "Utah Test and Training Range Encroachment Prevention and Temporary Closure Act" (S. 2383).
- ⌘ Senate Environment and Public Works Subcommittee on Clean Air and Nuclear Safety hearing entitled "Enabling Advanced Reactors and 'the Nuclear Energy Innovation and Modernization Act' (S. 2795)."
- ⌘ House Financial Services Subcommittee on Capital Markets and Government Sponsored

- Enterprises hearing entitled "Continued Oversight of the SEC's Office and Divisions."
- ε Full Senate Finance Committee hearing entitled "Oversight of the United States Customs and Border Protection Agency."
- ε House Oversight and Government Reform Subcommittees on Interior & Health Care, Benefits, and Administrative Rules hearing entitled "Barriers to Endangered Species Act Delisting, Part II."
- ε Full Senate Small Business and Entrepreneurship Committee hearing entitled "An Examination of the Administration's Overtime Rule and the Rising Cost of Doing Business."

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