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WASHINGTON UPDATE

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CONGRESSIONAL UNFINISHED BUSINESS

While November is five months away, Congress has just two months left on its legislative calendar before the presidential election. Floor time in both chambers is going to be at a premium. In light of this dynamic, the Republican leadership will have to choose which high priority measures to move through the legislative process. Here is a list of hot button items left on the back burner:

Zika Virus

Congress is under mounting political pressure to take action to pay for the fight against Zika, the mosquito borne virus that can lead to serious birth defects. Hundreds of people in the United States have been identified as carrying the virus with tens of millions of Americans in harm's way. Earlier this year, President Obama requested \$1.9 billion in emergency funds to fight the virus. Last month, the Senate approved \$1.1 billion and the House passed \$622 million for the President's initiative. Congress adjourned for a week long Memorial Day recess without resolving their differences on the measure.

The congressional holdup centers on a dispute over the appropriate funding level for the anti Zika campaign and, of course, how to pay for it. House Republicans are insisting that any funding for the anti-Zika program be offset with commensurate cuts to other federal programs. Senate Democrats and the White House, on the other hand, are demanding that the funds be designated as emergency spending, exempt from current budgetary caps. If the House and Senate fail to resolve their differences by the middle of July, Congress will not have another shot at tackling this issue until September, following the Republican and Democratic presidential conventions and the August recess.

Puerto Rico Debt Crisis

Puerto Rico, a US territory, is on the verge of defaulting on its \$72 billion debt. This Caribbean island is due to make a multi-billion dollar debt payment on July 1 – a payment the governor of Puerto Rico has publicly admitted his government can't make without the assistance from Congress in restructuring its debt. In response to this crisis, the House recently approved a bipartisan bill to address the situation, which, among other provisions includes the creation of a fiscal control board. The Senate is expected to consider the House measure in the next couple of weeks, leaving Puerto Rico on the precipice of a massive default.

Opioid Epidemic

This past March, the Senate passed the Comprehensive Addiction and Recovery Act, a bipartisan bill to fight the opioid epidemic. Rather than pass one comprehensive bill, the House GOP leadership moved 18 separate bills on the opioid crisis. The House and Senate are working on reconciling their respective bills. The timing for completing this task is an open question. A great deal of attention has been devoted to highlighting this problem from Republican and Democratic presidential candidates alike with many members of Congress on both sides of the aisle demanding action.

Flint Water Crisis

The House and Senate have held committee hearings on the City of Flint's systemic water lead contamination problem. In April, the Senate Environment and Public Works Committee included in the Water Resources Development Act a \$220 million aid package to help the City. The aid package includes \$100 million for subsidized loans for water infrastructure improvements. In order to be eligible for the funding, states must receive a federal emergency declaration due to a public health threat from lead or other contaminants in a public drinking water supply system. The Water Resources Development Act is pending Senate floor consideration and may be adopted before Congress takes off for its August recess. On the House side, Democratic members, led by the Michigan congressional delegation, are looking at attaching their Flint aid package to various appropriations measures.

FY 2017 Spending Bills

While the Senate has passed three of the 12 appropriations bills funding the federal government for FY 2017, showing a remarkable degree of bipartisan cooperation, the House has run into a beehive of trouble. The appropriations process in the House was effectively derailed when the FY 2017 Energy and Water Appropriations Act was soundly defeated on the House floor last week. The floor vote was 112 to 305, catching the House Republican leadership by surprise and throwing a monkey wrench in Speaker Paul Ryan's (R-WI) plan to advance all twelve spending bills through his chamber before the summer recess.

The Energy and Water Appropriations measure funds activities and programs under the Department of Energy, the U.S. Army Corps of Engineers, the Interior Department's Bureau of Reclamation as well as a number of commissions. The bill was felled by a Democratic amendment that was adopted, ironically, with the support of a small GOP cadre of members. The amendment, sponsored by Representative Sean Patrick Maloney (D-NY), an openly gay member of Congress, prohibits federal contractors from discriminating based on sexual orientation or gender identity. The amendment was based on President Obama's 2014 executive order banning federal contractors from discriminating against LGBT people and, notably, would have put Congress on record in support of the President's initiative. The demise of the House Energy and Water bill does not bode well for enacting spending bills through regular order this year.

Criminal Justice Overhaul

One of the few issues that enjoys bipartisan support on Capitol Hill in this election season is criminal justice reform, also known as "sentencing reform." Mandatory-minimum sentences may have been the political craze 25 years ago during the heyday of crack cocaine but not today. Congressional liberals and conservatives have joined forces in pushing legislation to ease the

mandatory-minimum sentencing guidelines for future nonviolent offenders including offering many of those already incarcerated a path forward to early release. A powerful to obtain a conviction. In some cases, defendants can face conviction and imprisonment whether or not they willfully had criminal intent. While there is a great deal of political interest in enacting criminal justice reform, the odds are growing longer by the day that something substantive will be done before the end of the year in light of the overwhelming gravitational pull exerted by the presidential election season.

FAA Reauthorization

The current Federal Aviation Authorization Bill expires on July 15, 2016. This past April, the Senate overwhelmingly passed an 18-month reauthorization measure. On the House side, Chairman Bill Shuster (R-PA) reported out of his Transportation and Infrastructure Committee a long-term authorization bill that includes a highly contentious provision to privatize the Air Traffic Control (ATC) system. This provision is opposed by the Obama Administration, by key members of the Senate Commerce, Science and Transportation Committee and Republican/Democratic members of the congressional Appropriations panels. In an effort to jump-start the FAA bill, Chairman John Thune (R-SD) and Ranking Member Bill Nelson (D-FL) on the Commerce, Science and Transportation Committee, recently sent a joint letter to Chairman Shuster asking him, in light of the lack of support for his ATC measure, to support adopting the Senate FAA bill or a similar measure. Chairman Thune argues that the only viable opportunity this year to deliver an FAA bill to the President is for Chairman Shuster to abandon, for the time being, his initiative to privatize the ATC and adopt a bill closer to the Senate version.

CONGRESSIONAL CALENDAR

Senate and House members have flown the coop for the Memorial Day recess and are not scheduled back on Capitol Hill until June 6 and June 7, respectively.

Compliments of Jamie Jones

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