This Week In Congress: Bicameral Coincidence, Vote-A-Rama

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This week both chambers begin the annual congressional budget debate, a process that will set the budget rules and the spending limits for the congressional appropriations committees to follow in funding federal agencies for fiscal year 2016, which begins on Oct. 1. While a congressional budget resolution is not signed into law by the president, when passed by both chambers it serves as an agreement between the House and Senate on a budget framework for any spending or revenue legislation moving forward. The statutory deadline by which Congress must pass a budget is April 15, and adoption of a budget is important if Republicans want to use the vehicle of reconciliation, which provides procedural benefits in the Senate, to try to enact significant legislation.

The Senate budget resolution was reported favorably last week by the Senate Budget Committee, led by its new chairman, Sen. Mike Enzi, R-Wyo., on a party-line vote of 12-10. The resolution would seek to balance the budget in 10 years, by 2025, with most of the cost savings coming from reductions in mandatory (entitlement) programs. The details of the plan are widely available, so we will not belabor them here.

The House budget proposal was also reported out favorably last week by the House Budget Committee, under its new chairman, Rep. Tom Price, R-Ga., on a party-line vote of 22-13. The House plan would work more dramatic changes into the largest entitlement programs. It would repeal the Affordable Care Act (Obamacare) and completely overhaul Medicare and Medicaid. Medicare would be converted into a "premium support" system in which, starting in 2024, retirees would purchase, with government subsidies, insurance on the private market. Medicaid would become essentially a block-grant program under which the states would decide how to use the money to provide health care for the poor.

Both Senate and House budget resolutions also make an effort to provide more funds for the Defense Department than would otherwise be available under the 2011 budget agreement and attendant sequester. In order to secure support for the budget resolutions from Republican defense hawks, who have been demanding higher levels of spending on the military in light of the perilous global security situation, both resolutions include funding for overseas contingency operations. Whether the funding is sufficient to satisfy the defense hawks will become clearer during the debate, but amendments to boost defense spending will surely be on the table during floor debate in both chambers.

The Senate returns on Monday and will begin consideration of the fiscal year 2016 budget resolution.
After up to 50 hours of debate (the limit is actually set by law), on Thursday the chamber will begin its famed “Vote-a-rama,” an extended sequence of back-to-back amendment votes to the budget resolution. It is unclear at this point how many amendments will be voted on or on what issues they will be focused.

The Senate still has not yet considered the president’s nominee for attorney general, Loretta Lynch. Majority Leader Mitch McConnell had initially committed to taking up the nomination after the Senate was scheduled to work through a human trafficking bill last week. After Senate Democrats filibustered the bill over the inclusion of an anti-abortion provision, McConnell said he will not allow a vote on the attorney general nominee until the trafficking bill passes. It is unclear when that will happen, as all previous cloture votes on the bill have failed and the Republicans appear to be two votes shy of securing the 60 votes needed to cut off the Democratic filibuster.

The House will begin its week considering several bills under suspension of the rules, including a resolution calling on the president to provide military assistance to Ukraine. In addition to its budget resolution, this week the House is also expected to consider legislation related to the expiration of the suspension of the cuts in physicians’ reimbursement rates in the Medicare program. Without an extension by the end of March, when the current law expires, fees to doctors will be cut substantially pursuant to a formula, called the Sustainable Growth Rate, enacted years ago. Last Thursday, House and Senate leaders announced the introduction of “bipartisan, bicameral” legislation that will replace the Sustainable Growth Rate with a new annual reimbursement update each year for five years, and streamline other methods of payment to doctors who accept Medicare. The legislation also reportedly provides a two-year extension for the State Children’s Health Insurance Program (SCHIP). The bill pays for a portion of the new spending by making changes to the Medicare programs, but the new spending is not fully offset, and that could prompt fiscal conservatives to rebel against the bill. In addition, the two-year extension of SCHIP does not meet Senate Democratic demands for a four-year extension. With the bill needing 60 votes in the Senate, the result is uncertain. If both chambers are unable to pass the same bill and send it to the president by the end of the week, look for yet another short-term extension of the existing law preventing cuts to physician payments to be adopted and sent to the president before the March 31 expiration of the current law.

The Senate Foreign Relations Committee has pushed back its planned markup of the Iran sanctions bill to Mid-April. Committee Chairman Bob Corker, R-Tenn., and Ranking Member Bob Menendez, D-N.J., released a joint press release on March 19 stating, “We have been working together very closely to ensure we have the strongest vote possible on the Iran Nuclear Agreement Review Act and to achieve that result, we have agreed to a markup of the bill in the Foreign Relations Committee as soon as we return on Tuesday, April 14.” The Iran Nuclear Agreement Review Act would require the president to submit any Iran nuclear agreement to Congress within five days of its conclusion. The scheduling of a markup puts additional pressure on the Obama administration as it continues to seek an international deal on Iran’s nuclear program. President Obama has threatened to veto the legislation.

Congressional authorizing and appropriating committees continue to hold hearings on the president’s fiscal year 2016 budget requests. The House Homeland Security Committee holds a hearing on Islamist extremism, while the House Foreign Affairs Subcommittee on the Middle East and North Africa holds a hearing on Iran’s nuclear program. Following up on another high-profile incident for the U.S. Secret Service, the House Oversight and Government Reform Committee will hold a hearing on Secret Service Oversight. The new network neutrality regulations established by the Federal Communications Commission will be the topic of a House Judiciary Committee hearing, with FCC Chairman Tom Wheeler and Commissioner Ajit Pai scheduled to appear as witnesses along with Federal Trade Commissioner
Joshua Wright. House Judiciary will also follow on last week’s Senate Judiciary Committee hearing on patent reform with its own hearing on patent litigation reform, as the committee considers the bill introduced by its chairman, Rep. Bob Goodlatte, R-Va. House Energy and Commerce will look at spectrum policy, and House Agriculture looks at reauthorizing the Commodity Futures Trading Commission. And even as the Senate is unable to move forward on the attorney general nomination, the Senate Judiciary Committee will hold a hearing next week on Sally Yates, the former U.S. Attorney in Atlanta and a career federal prosecutor, to serve as deputy attorney general. Finally, in an interesting bicameral coincidence highlighting a growing social problem, next Thursday committees on each side of the Capitol (Senate Veterans Affairs and House Energy & Commerce) will hold hearings on the abuse of prescription opioids and the attendant rise in opioid and heroin abuse around the country. These hearings and other key congressional hearings in a busy week are listed below.

—By Richard A. Hertling and Kaitlyn McClure, Covington & Burling LLP

Richard Hertling is of counsel with Covington & Burling in the firm’s Washington, D.C., office. His more than 25 years of federal government service include leadership roles on the staffs of the Senate Governmental Affairs Committee, the Senate Judiciary Committee, and the Justice Department, in addition to his most recent role as staff director and chief counsel of the House Judiciary Committee.

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CALENDAR

Monday, March 23, 2015

House Committees

Fiscal 2016 Appropriations: Financial Services
House Appropriations - Subcommittee on Financial Services and General Government
Subcommittee Hearing
3 p.m., 2359 Rayburn Bldg.

Intelligence Issues
House Select Intelligence
Full Committee Hearing
5 p.m., HVC-304 Capitol Visitor Center

Human Rights and Statelessness
Tom Lantos Human Rights Commission (TLHRC)
Full Committee Hearing
1:30 p.m., 2172 Rayburn Bldg.

Tuesday, March 24, 2015

House Committees

Biotechnology Cost and Legal Issues
House Agriculture
Full Committee Hearing
10 a.m., 1300 Longworth Bldg.

Fiscal 2016 Appropriations: Agriculture
House Appropriations - Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies
Subcommittee Hearing
10 a.m., 2362-A Rayburn Bldg.

Fiscal 2016 Appropriations: Defense
House Appropriations - Subcommittee on Defense
Subcommittee Hearing
10 a.m., H-140 Capitol Bldg.

Fiscal 2016 Appropriations: Energy-Water
House Appropriations - Subcommittee on Energy and Water Development
Subcommittee Hearing
10 a.m., 2362-B Rayburn Bldg.

Fiscal 2016 Appropriations: Financial Services
House Appropriations - Subcommittee on Financial Services and General Government
Subcommittee Hearing
11 a.m., 2359 Rayburn Bldg.

Fiscal 2016 Appropriations: Homeland Security
House Appropriations - Subcommittee on Homeland Security
Subcommittee Hearing
10 a.m., H-309 Capitol Bldg.

Native American Public and Outside Witness Hearing
House Appropriations - Subcommittee on Interior, Environment, and Related Agencies
Subcommittee Hearing
9 a.m., B-308 Rayburn Bldg.

Fiscal 2016 Appropriations: Labor, HHS, Education
House Appropriations - Subcommittee on Labor, Health and Human Services, Education, and Related Agencies
Subcommittee Hearing
10 a.m., 2358-C Rayburn Bldg.

Fiscal 2016 Appropriations: Transportation-HUD
House Appropriations - Subcommittee on Transportation, Housing and Urban Development, and Related Agencies
Subcommittee Hearing
10 a.m., 2358-A Rayburn Bldg.

Employment Practices Legislation
House Education and the Workforce - Subcommittee on Workforce Protections
Subcommittee Hearing
10 a.m., 2175 Rayburn Bldg.

Internet Technology Issues
House Energy and Commerce - Subcommittee on Commerce, Manufacturing and Trade
Subcommittee Hearing
11 a.m., 2123 Rayburn Bldg.

Drug Pricing Assessment
House Energy and Commerce - Subcommittee on Health
Subcommittee Hearing
10 a.m., 2322 Rayburn Bldg.

SEC Fiscal 2016 Budget
House Financial Services
Full Committee Hearing
10 a.m., HVC-210 Capitol Visitor Center

U.S.-South Asia Relations
House Foreign Affairs - Subcommittee on Asia and the Pacific
Subcommittee Hearing
11 a.m., 2172 Rayburn Bldg.

State Department, USAID Oversight
House Foreign Affairs - Subcommittee on the Western Hemisphere
Subcommittee Hearing
March 24, 11 a.m., 2255 Rayburn Bldg.

Global Terrorism Issues
House Homeland Security
Full Committee Hearing
10:30 a.m., 311 Cannon Bldg.

Forest Service, BLM Fiscal 2016 Budget
House Natural Resources - Subcommittee on Federal Lands
Subcommittee Hearing
10 a.m., 1324 Longworth Bldg.

Water Resources Fiscal 2016 Budget
House Natural Resources - Subcommittee on Water, Power and Oceans
Subcommittee Oversight Hearing
10:30 a.m., 1334 Longworth Bldg.

Secret Service Oversight
House Oversight and Government Reform
Full Committee Hearing
10 a.m., 2154 Rayburn Bldg.

Space Telescope Research
House Science, Space and Technology - Subcommittee on Space  
Subcommittee Hearing  
10 a.m., 2318 Rayburn Bldg.

FAA Air Traffic Control Issues  
House Transportation and Infrastructure - Subcommittee on Aviation  
Subcommittee Hearing  
10 a.m., 2167 Rayburn Bldg.

Medicare Fraud Issues  
House Ways and Means - Subcommittee on Oversight  
Subcommittee Hearing  
10 a.m., B-318 Rayburn Bldg.

CFTC Reauthorization  
House Agriculture - Subcommittee on Commodity Exchanges, Energy, and Credit  
Subcommittee Hearing  
1 p.m., 1300 Longworth Bldg.

Fiscal 2016 Appropriations: State-Foreign Operations  
House Appropriations - Subcommittee on State, Foreign Operations, and Related Programs  
Subcommittee Hearing  
2 p.m., 2359 Rayburn Bldg.

Atomic Energy Fiscal 2016 Budget  
House Armed Services - Subcommittee on Strategic Forces  
Subcommittee Hearing  
3:30 p.m., 2118 Rayburn Bldg.

Improving Coal Combustion Residuals Regulation Act  
House Energy and Commerce - Subcommittee on Environment and the Economy  
Subcommittee Hearing  
2 p.m., 2123 Rayburn Bldg.

FDIC and Operation Choke Point  
House Financial Services - Subcommittee on Capital Markets and Government Sponsored Enterprises  
Subcommittee Hearing  
2 p.m., HVC-210 Capitol Bldg.

Global Anti-Semitism Issues  
House Foreign Affairs - Subcommittee on Africa, Global Health, Global Human Rights and International Organizations  
Subcommittee Hearing  
2:30 p.m., 2175 Rayburn Bldg.

Iran and IAEA Compliance  
House Foreign Affairs - Subcommittee on the Middle East and North Africa  
Subcommittee Hearing  
2 p.m., 2172 Rayburn Bldg.
USGS Fiscal 2016 Budget
House Natural Resources - Subcommittee on Energy and Mineral Resources
Subcommittee Oversight Hearing
1 p.m., 1324 Longworth Bldg.

Office of Energy Efficiency Oversight
House Science, Space and Technology - Subcommittee on Energy
Subcommittee Hearing
2 p.m., 2318 Rayburn Bldg.

Veterans Work and Education Legislation
House Veterans' Affairs - Subcommittee on Economic Opportunity
Subcommittee Hearing
2 p.m., 334 Cannon Bldg.

**Senate Committees**

EPA Proposed Waters Rule Impact
Senate Agriculture, Nutrition and Forestry
Full Committee Hearing
10 a.m., 106 Dirksen Bldg.

U.S. Middle East Policy
Senate Armed Services
Full Committee Hearing
9:30 a.m., 216 Hart Bldg.

Regional Bank Regulation
Senate Banking, Housing and Urban Affairs
Full Committee Hearing
10 a.m., 538 Dirksen Bldg.

Surface Transportation Reauthorization
Senate Commerce, Science and Transportation - Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security
Subcommittee Hearing
10 a.m., 253 Russell Bldg.

U.S. Forest Systems Evaluation
Senate Energy and Natural Resources
Full Committee Hearing
10 a.m., 366 Dirksen Bldg.

Transnational Crime and Border Security
Senate Homeland Security and Governmental Affairs
Full Committee Hearing
10 a.m., 342 Dirksen Bldg.
Judiciary Nominations
Senate Judiciary
Full Committee Confirmation Hearing
10 a.m., 226 Dirksen Bldg.

Capital and Small Business Issues
Senate Banking, Housing and Urban Affairs - Subcommittee on Securities, Insurance and Investment
Subcommittee Hearing
2:30 p.m., 538 Dirksen Bldg.

Unmanned Aircraft Systems
Senate Commerce, Science and Transportation - Subcommittee on Aviation Operations, Safety and Security
Subcommittee Hearing
2:30 p.m., 253 Russell Bldg.

Veterans Choice Act
Senate Veterans' Affairs
Full Committee Hearing
2:30 p.m., 418 Russell Bldg.

Wednesday, March 25, 2015

House Committees

CFTC Reauthorization
House Agriculture - Subcommittee on Commodity Exchanges, Energy, and Credit
Subcommittee Hearing
1:30 p.m., 1300 Longworth Bldg.

Meat Labeling Regulatory Issues
House Agriculture - Subcommittee on Livestock and Foreign Agriculture
Subcommittee Hearing
9 a.m., 1300 Longworth Bldg.

Native American Public and Outside Witness Hearing
House Appropriations - Subcommittee on Interior, Environment, and Related Agencies
Subcommittee Hearing
9 a.m., B-308 Rayburn Bldg.; 12:30 p.m., B-308 Rayburn Bldg.

Fiscal 2016 Appropriations: Energy-Water
House Appropriations - Subcommittee on Energy and Water Development
Subcommittee Hearing
9:30 a.m., 2362-B Rayburn Bldg.

Fiscal 2016 Appropriations: Labor, HHS, Education
House Appropriations - Subcommittee on Labor, Health and Human Services, Education, and Related Agencies
Subcommittee Hearing
8:30 a.m., 2358-C Rayburn Bldg.

Fiscal 2016 Appropriations: Transportation-HUD
House Appropriations - Subcommittee on Transportation, Housing and Urban Development, and Related Agencies
Subcommittee Hearing
9 a.m., 2358-C Rayburn Bldg.

Patent Litigation Issues
House Judiciary - Subcommittee on Courts, Intellectual Property and the Internet
Subcommittee Hearing
10 a.m., 2141 Rayburn Bldg.

Fiscal 2016 Appropriations: Commerce-Justice-Science
House Appropriations - Subcommittee on Commerce, Justice, Science, and Related Agencies
Subcommittee Hearing
1 p.m., H-309 Capitol Bldg.

Fiscal 2016 Appropriations: Financial Services
House Appropriations - Subcommittee on Financial Services and General Government
Subcommittee Hearing
2:30 p.m., 2362-A Rayburn Bldg.

Public and Outside Witness Hearing
House Appropriations - Subcommittee on State, Foreign Operations, and Related Programs
Subcommittee Hearing
2 p.m., 2358-C Rayburn Bldg.

Military Compensation Retirement Commission
House Armed Services - Subcommittee on Military Personnel
Subcommittee Hearing
2 p.m., 2212 Rayburn Bldg.

Fiscal 2016 Defense Authorization: WMD Strategy
House Armed Services - Subcommittee on Emerging Threats and Capabilities
Subcommittee Hearing
3:30 p.m., 2118 Rayburn Bldg.

National Security Space Fiscal 2016 Budget
House Armed Services - Subcommittee on Strategic Forces
Subcommittee Hearing
5 p.m., 2212 Rayburn Bldg.

Child Abduction and Goldman Act Implementation
House Foreign Affairs - Subcommittee on Africa, Global Health, Global Human Rights and International Organizations
Subcommittee Hearing
2 p.m., 2172 Rayburn Bldg.
Changing Crude Oil Market Conditions Bill
House Foreign Affairs - Subcommittee on Terrorism, Nonproliferation, and Trade
Subcommittee Markup
1:30 p.m., 2172 Rayburn Bldg.

TSA PreCheck Assessment
House Homeland Security - Subcommittee on Transportation Security
Subcommittee Hearing
2 p.m., 311 Cannon Bldg.

FCC Net Neutrality Rule
House Judiciary
Full Committee Hearing
2 p.m., 2141 Rayburn Bldg.

**Senate Committees**

Fiscal 2016 Defense Authorization: Navy, Marine Corp Aviation
Senate Armed Services - Subcommittee on Seapower
Subcommittee Hearing
9 a.m., 222 Russell Bldg.

Central American Migration
Senate Homeland Security and Governmental Affairs
Full Committee Hearing
10 a.m., 342 Dirksen Bldg.

Senate Armed Services - Subcommittee on Readiness and Management Support
Subcommittee Hearing
2:30 p.m., 232A, Russell Bldg.

Fiscal 2016 Defense Authorization: Ballistic Missile Defense Policy
Senate Armed Services - Subcommittee on Strategic Forces
Subcommittee Hearing
2:30 p.m., 222 Russell Bldg.

Financial Stability Oversight Counsel Transparency
Senate Banking, Housing and Urban Affairs
Full Committee Hearing
March 25, 2 p.m., 538 Dirksen Bldg.

Foreign Relations Nominations
Senate Foreign Relations
Full Committee Markup
2:15 p.m., 419 Dirksen Bldg.

Carcieri v. Salazar Decision
Senate Indian Affairs
Full Committee Panel Discussion
2:30 p.m., 216 Hart Bldg.

Alzheimer's Disease
Senate Special Aging
Full Committee Hearing
2:15 p.m., 106 Dirksen Bldg.

Thursday, March 26, 2015

House Committees

Agricultural Act Implementation Issues
House Agriculture - Subcommittee on General Farm Commodities and Risk Management
Subcommittee Hearing
9 a.m., 1300 Longworth Bldg.

Federal Neuroscience Investments
House Appropriations - Subcommittee on Commerce, Justice, Science, and Related Agencies
Subcommittee Oversight Hearing
10:30 a.m., H-309 Capitol Bldg.

Fiscal 2016 Appropriations: Defense
House Appropriations - Subcommittee on Defense
Subcommittee Hearing
10 a.m., H-140 Capitol Bldg.

Fiscal 2016 Appropriations: Homeland Security
House Appropriations - Subcommittee on Homeland Security
Subcommittee Hearing
9 a.m., 2359 Rayburn Bldg.

Defense Department Readiness
House Armed Services - Subcommittee on Readiness
Subcommittee Hearing
8 a.m., 2212 Rayburn Bldg.

Combat Aviation Fiscal 2016 Budget
House Armed Services - Subcommittee on Tactical Air and Land Forces
Subcommittee Hearing
9 a.m., 2118 Rayburn Bldg.

Science and Technology Fiscal 2016 Budget
House Armed Services - Subcommittee on Emerging Threats and Capabilities
Subcommittee Hearing
10:30 a.m., 2212 Rayburn Bldg.

Spectrum Policy Outlook
House Energy and Commerce - Subcommittee on Communications and Technology
Subcommittee Hearing
10:15 a.m., 2322 Rayburn Bldg.

Prescription Drug and Heroin Abuse Issues
House Energy and Commerce - Subcommittee on Oversight and Investigations
Subcommittee Hearing
10 a.m., 2123 Rayburn Bldg.

BLM, Forest Service Fiscal 2016 Budget
House Natural Resources - Subcommittee on Energy and Mineral Resources
Subcommittee Hearing
9 a.m., 1324 Longworth Bldg.

EPA Record Maintenance Oversight
House Science, Space and Technology - Subcommittee on Environment; House Science, Space and Technology - Subcommittee on Oversight
Committee Joint Hearing
10 a.m., 2318 Rayburn Bldg.

**Senate Committees**

Senate Armed Services
Full Committee Hearing
9:30 a.m., G-50 Dirksen Bldg.

Quadrennial Energy Review
Senate Energy and Natural Resources
Full Committee Hearing
9:30 a.m., 366 Dirksen Bldg.

Immigration and Border Issues
Senate Homeland Security and Governmental Affairs
Full Committee Hearing
10 a.m., 342 Dirksen Bldg.

Opioid Prescription Policy
Senate Veterans' Affairs
Full Committee Hearing
10 a.m., 418 Russell Bldg.

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