



## DOWN TO THE WIRE: CONGRESS POISED TO ADVANCE MUST PASS LEGISLATION PRIOR TO ADJOURNMENT

DECEMBER 10, 2014

Last night House and Senate negotiators finalized a \$1.1 trillion “CROmnibus” (H.R. 83) appropriations bill that provides funding through September 30, 2015, for 11 of the 12 annual appropriations bills. The 12th bill, which funds the Department of Homeland Security, is funded through a continuing resolution (CR) that expires February 27, 2015. The package is a result of extensive negotiations and has garnered bipartisan and bicameral support from leadership and the committees of jurisdiction. However, since the current CR expires Thursday, December 11<sup>th</sup>, and the “CROmnibus” still needs to pass both the House and the Senate, a several day CR is expected to be advanced to provide more time to move the CROmnibus. With the new short term CR in place, we expect the CROmnibus to pass the House tomorrow and pass the Senate by weeks’ end.

The 1600 page bill steers clear of controversial policy riders that were floated during negotiations – including “repealing” recent Environmental Protection Agency (EPA) proposed rules on climate change and the definition of “waters of the United States”. However, the CROmnibus does contain provisions that impact federal policy in areas of interest such as energy, natural resources, the environment and transportation. These policy areas include:

### Energy and Water Development Appropriations Legislation

- Restricts the application of the Clean Water Act in certain agricultural areas, including farm ponds and irrigation ditches – effectively blocking new permit requirements for farmers despite the final rule on “waters of the United States”,
- Prohibits funding for the U.S. Army Corps of Engineers to change the definition of “fill material” for purposes of Section 404 of the Clean Water Act with respect to coal and hardrock mining,
- Continues the prohibition on funding for the enforcement of light-bulb efficiency standards proposed by the Department of Energy,
- Continues FY2014 level funding for Yucca Mountain to maintain its viability for possible future disposal use and to finish its third safety evaluation report, and
- Restricts the Department of Energy from entering into new contracts with Russia or from providing new federal assistance to Russia with regard to nuclear materials.

### Interior Appropriations Legislation

- Prohibits the Fish and Wildlife Service from issuing final Endangered Species act listing decisions with respect to the greater sage grouse and the Gunnison sage grouse, and
- In conjunction with the National Defense Authorization Act, the Department of the Interior is authorized to use appropriated funds to conduct its onshore oil and gas leasing program via the internet instead of only through the traditional method of in-person, oral bidding.

### Transportation, Housing and Urban Development Appropriations Legislation

- Instructs the Pipeline and Hazardous Materials Administration (PHMSA) to finalize regulations on DOT-111 tank car designs by January 15, 2015, and
- PHMSA is directed to evaluate and develop new approaches to small-scale liquefaction facilities generating and packaging LNG as a domestic transportation fuel through non-pipeline means.

### **Other Appropriations Legislation**

- Prohibits the Export-Import Bank and the Overseas Private Investment Corporation from blocking coal and other fossil fuel power-generation projects, and
- Blocks funding for the Green Climate Fund.

### **Senate Action on NDAA, Tax Extenders**

The Senate Majority Leader has scheduled a cloture vote on H.R. 3979, the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015, one hour after the Senate convenes on Thursday, December 11. No amendments will be in order to H.R.3979.

We expect the Senate to turn to consideration of the tax extenders package once action is completed on NDAA. Consideration of the tax-extendors package likely will occur prior to consideration of the government funding package.

### **Committee Organization**

House Republican and Democratic committee continue to make announcements regarding membership. Click [here](#) to view our updated Leadership and Committee assignment list.

### **VAN NESS FELDMAN PUBLICATIONS**

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