ML STRATEGIES

Look Ahead: Upcoming Congressional Work Period – July 2022

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The next three weeks will be full of activity in Washington D.C., as the House of Representatives and Senate are working to push their legislative agendas to garner support from their constituents ahead of an August recess and before political "silly season" officially kicks in ahead of the upcoming mid-term elections in November. Here's our latest update on what you can expect in Congress during the July work period.

National Defense Authorization Act

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Privacy

National Defense Authorization Act

The House Armed Services Committee released its **report** on the National Defense Authorization Act (NDAA). The committee voted 42-17 to increase funding in the NDAA, specifically by $37 billion more than what the Biden administration detailed in their FY23 budget request for military programs. The NDAA will now be considered on the House floor during the week of July 11, which puts the House on a path to clear the measure ahead of August recess.

Meanwhile, the Senate released a **summary** of their version of the NDAA, but has not shared when the legislation will be debated on the Senate floor. The upper chamber's version of the NDAA includes a $45 million increase to President Biden's spending plan for this matter.

Health Care

U.S. Supreme Court Decision: Dobbs v. Jackson Women's Health Organization

On June 24, 2022, the U.S. Supreme Court ruled on Dobbs v. Jackson Women's Health Organization, which officially overturned Roe v. Wade after 50 years – permitting states to implement their abortion policies without interference from the federal government.

Over the coming weeks in July and in the months to come, expect a range of activity on the Hill to address the Dobbs decision. For instance, Democrats in the House of Representatives have worked to pass the Women's Health Protection Act, which would essentially codify Roe v. Wade. However, this legislation failed to pass in the Senate, leaving Members of Congress with limited options to address the implications of the Supreme Court's decision. Democrats will likely take another pass at the Women's Health Protection Act in addition to pursuing other avenues. For example, in a 32-23 vote, the House Appropriations Committee recently adopted Congresswoman Debbie Wasserman Schultz's **Abortion Safe Harbor Amendment** that was included in the House Commerce, Justice, Science, and Related Agencies Appropriations bill. The amendment would bar the Department of Justice from using funds to prosecute or investigate women who cross state lines for abortion services. **Congresswoman Barbara Lee's amendment** was also adopted, which would urge the Department of Health and Human Services (HHS) to guarantee access to medication abortion.

Lastly, several committees will conduct hearings this week to discuss the impact of the Dobbs v. Jackson Women's Health Organization case decision.

1. **Senate Judiciary Committee**: "A Post-Roe America: The Legal Consequences of the Dobbs Decision" (July 12th at 10:00am)
2. **House Oversight and Reform Committee**: "The Impact of the Supreme Court's Dobbs Decision on Abortion Rights and Access Across the Country" (July 13 at 9:30am)

3. **Senate Committee on Health, Education, Labor and Pensions**: “Hearings to examine reproductive care in a post-Roe America, focusing on barriers, challenges, and threats to women’s health” (July 13th at 10:00am)
4. **House Judiciary Committee**: “What’s Next: The Threat to Individual Freedoms in a Post-Roe World” (July 14th at 10:00am)

United States Innovation and Competition Act

The House and Senate have both passed their own versions of legislation aimed at advancing U.S. scientific innovation in the face of growing threats from China, and have formed a conference committee to reconcile various differences between each version of the bill. The United States Innovation and Competition Act (USICA) (**S. 1260**), would roll back certain tariffs the Trump administration imposed on China, while the America COMPETES Act (**H.R. 4521**), would reauthorize the Trade Adjustment Assistance program. Both bills would renew the Generalized System of Preferences, but with different timelines, and advance the Miscellaneous Tariff Bill. Both bills provide over $50 billion in funding for semiconductor research and production to combat and address the computer chip shortage. A number of legislative priorities are riding as part of the USICA/COMPETES process, including a potential reauthorization of the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs – which are set to expire at the end of September.

Democrats have voiced their desire to wrap up the conference committee and pass the bill before August recess – but as of this writing, an agreement has yet to be reached. Also, Senate Majority Leader McConnell (R-KY) recently threatened to oppose the effort (see section below) if Democrats continue to pursue advancing a reconciliation package, leaving much uncertainty about the potential passage of USICA.

Build Back Better 2.0: Drug Pricing and Clean Energy Investments

Congressional Democrats are still hoping to pass a version of the Build Back Better Act through the budget reconciliation process to bypass a filibuster. Senate Majority Leader Charles Schumer (D-NY) and Senator Joe Manchin (D-WV) have held ongoing conversations with one another to negotiate a slimmed-down version of the legislation. At the moment, Senate Democrats appear close to finalizing an agreement to lower prescription drug costs, as the Senate Majority Leader submitted text to the Senate parliamentarian that has the support of 50 Democratic Senators to ensure that the text abides by the upper chamber’s reconciliation rules.

Tied to the Democratic reconciliation package is President Biden and congressional Democrats’ climate and energy agenda which took a significant blow with the recent Supreme Court ruling limiting the Federal government’s regulatory authority over carbon emissions. President Biden has set a goal of reducing emissions by half by 2030 and eliminating emissions from fossil fuels by 2050. Threading the needle to achieve at least some of their climate and energy goals is largely dependent on the outcome of ongoing talks between Senate Majority Leader Schumer (D-NY) and Senator Manchin (D-WV), chair of the Senate Energy & Natural Resources Committee. Despite reports of progress in negotiations, both senators have actively sought to manage expectations for success. With that said, many Democrats on Capitol Hill are pushing to see a scaled down climate and energy package – in the range of $300 billion to $350 billion – as soon as this week so that it can advance ahead of the mid-term elections. If a compromise is reached it will undoubtedly include support not just for clean energy sources like solar and wind but for fossil energy as well. With the Congress’s annual August recess just three weeks away and the window for a reconciliation package closing on September 30, there is very limited calendar time left so any compromise will likely move very quickly.

For more information on the status of the reconciliation package as it relates to energy and sustainability, please **click here** to view our recently published commentary.

Privacy

The House Energy & Commerce Committee may take up comprehensive federal privacy legislation. Last month, Committee Chairman Frank Pallone (D-NJ), Ranking Member Cathy McMorris Rodgers, and Senate Commerce, Science and Transportation Ranking Member Roger Wicker circulated a discussion draft of the American Data Privacy and Protection Act. The bill provides a comprehensive federal framework for how companies can collect, store and use personal information. In so doing, the bill also preempts state laws (with key exceptions) and provides a private right of action for the purposes of enforcement (in addition to enforcement by the Federal Trade Commission and state attorneys general).

Last month before Congress adjourned for the July 4 recess, the Energy & Commerce Committee’s Subcommittee on Consumer Protection and Commerce favorably reported the bill, placing it in the full committee for consideration. While the subcommittee’s mark-up of the American Data Privacy and Protection Act was relatively non-controversial, the full committee’s consideration of the bill will likely involve more work with Members considering numerous amendments.

Authors



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Alex Hecht is a trusted attorney and policy strategist with over 20 years of experience advising clients across a broad range of industries on how to navigate complex policy environments. His strategic insight and hands-on experience in both legislative and regulatory arenas empower clients to advance their priorities with clarity and confidence in an evolving policy landscape.



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