

Legislative Forecast for the 114th Congress

January 4, 2016

Producer

Katharine Conlon, Tucker Doherty,
Alex Perry, Christine Yan, Justin Brown

Director

Afzal Bari



A Guide to This Legislative Forecast

Issues Covered in This Month's Legislative Forecast

- Affordable Care Act
- Appropriations
- Conflict in Iraq and Syria
- Cybersecurity
- Defense Appropriations
- Elementary and Secondary Education
- Highway Trust Fund
- International Trade
- Prison Reform
- Tax Reform

Archived Issues (Major Legislative or Administration Actions in 2015)

- Debt Ceiling
- Export-Import (Ex-Im) Bank
- Iran Nuclear Negotiations
- Keystone XL
- Medicare
- PATRIOT Act/USA FREEDOM Act

Please see previous legislative forecasts or contact the Presentation Center for details on these topics.



Affordable Care Act

Timeline of Key Recent Federal Actions on the Affordable Care Act

- 2012 ○ **NFIB v. Sebelius Decision:** The Supreme Court decided that penalties imposed enforcing the ACA's individual mandate are a constitutional application of Congress's taxing and spending power; however, the law's provision stripping Medicaid funding from states if they did not opt-in to the Medicaid expansion was ruled unconstitutionally coercive.
- 2013 ○ **"Continuing to Implement the ACA in a Careful, Thoughtful Manner":** The Treasury Department issued a memo delaying the employer mandate by one year, leading to criticism from Congress and an eventual lawsuit by the House of Representatives.
- May 2015 ○ **FY2016 Budget Resolution:** The joint budget resolution sets forth reconciliation provisions which allows the Senate to pass ACA repeal without possibility of a filibuster.
- June 2015 ○ **King v. Burwell Decision:** The Supreme Court upheld federal subsidies for all eligible Americans under ACA. The decision allowed the administration to move forward with ACA implementation without the threat of legal challenges to the basic structure of the law.
- Oct 2015 ○ **Bipartisan Budget Act of 2015:** The budget compromise that was struck in Congress repeals the automatic-enrollment provision of the ACA, which forces large employers with 200 or more employees to automatically enroll new employees in employer-sponsored healthcare plans
- Oct 2015 ○ **Restoring American's Healthcare Freedom Reconciliation Act of 2015:** House passed bill to repeal parts of ObamaCare under budget reconciliation.
- Dec 2015 ○ **Restoring Americans' Healthcare Freedom Reconciliation Act of 2015:** The Senate voted 52-47 on the bill, but included an amendment that ends the "Cadillac Tax."

Potential Actions in 114th Congress

- The House rules committee will hold a hearing on January 6, 2016 to talk about the Senate-passed version of the ACA repeal bill, a vote is likely to follow.
- President Obama has promised to veto any repeal bill that reaches his desk, and Congress is unlikely to override such a veto. However, smaller changes with bipartisan support could find their way into this year's spending bills.

Sources: Mark J. Mazur, "Continuing to Implement the ACA in a Careful, Thoughtful Manner," Department of the Treasury, July 2, 2013; Lyle Denniston, "Argument Analysis: Setting up the private debate on the ACA," SCOTUSblog, Mar. 4, 2015; Susan Ferrechio, "Congress joint budget deal could pave path to Obamacare repeal," Washington Examiner, April 20, 2015; Sen. Mike Enzi and Rep. Tom Price, "FY2016 Conference Agreement," House Budget Committee, May 2015; MaryBeth Musumeci, "A Guide to the Supreme Court's Affordable Care Act Decision," The Kaiser Family Foundation, July 2012; Josh Gerstein and Lauren French, "House Files Obamacare lawsuit," Politico, November 21, 2014; Skadden, "King v. Burwell: Round 2 for the Affordable Care Act," July 10, 2015; National Association of Community Health Centers, "Victory for the ACA: Moving Forward After King V. Burwell," June 30, 2015; Justin Haskins, "Budget Deal Ends Obamacare Enrollment Mandate," The Heartland Institute, Nov 11, 2015; Alexander Bolton, "McConnell leans on presidential candidates in bid to save ObamaCare repeal," The Hill, Nov 22, 2015; Alexander Bolton, "Senate Approves Bill Repealing Much of Obamacare," The Hill, December 3, 2015; House Rules Committee, "Subcommittee Hearing: H.R. 1610—Restoring Americans' Healthcare Freedom Reconciliation Act of 2015," December 2015.

\$ Appropriations

Timeline of Key Recent Federal Actions on Appropriations

Jan 2014

○

Consolidated Appropriations Act, 2014: Following a temporary government shutdown in December 2013, an omnibus spending package passed funding for the government through the end of September of 2014

Dec 2014

○

Consolidated and Further Continuing Appropriations Act of 2015: Just hours before another potential shutdown, Congress passed an appropriations package funding almost all appropriations categories through FY2015, with a continuing resolution until March for the Department of Homeland Security.

Mar 2015

○

Department of Homeland Security Appropriations Act: After attempting and failing to use DHS funding to leverage repeal of executive actions on immigration, Congress passed a bipartisan bill to fund the Department of Homeland Security through the end of FY2015.

May 2015

○

FY2016 Budget Resolution: The joint budget resolution passed, setting topline figures for appropriations negotiations. The resolution also included language to use reconciliation to repeal the Affordable Care Act without possibility of Senate filibuster.

Sep 2015

○

Continuing Resolution, FY2016: A “clean” short-term continuing resolution passed, funding the government at FY2015 levels through December 11, 2015, without language defunding Planned Parenthood. Speaker Boehner resigned to make the possibility of a government shutdown less likely.

Nov 2015

○

Bipartisan Budget Act of 2015: A compromise budget deal was signed into law, increasing both defense and nondefense spending while also cutting some entitlement spending.

Dec 2015

○

Consolidated Appropriations Act, 2016: After days of negotiation, lawmakers produce an omnibus appropriations bill that also addresses a bipartisan package of expiring tax credits known as “tax extenders.” Nearly all controversial “poison pill” riders were removed from the final deal, leading to swift passage in the final days of the legislative year.

Potential Actions in 114th Congress

- The Bipartisan Budget Act of 2015 sets topline spending numbers for two years; therefore, lawmakers will already have a basic framework to work with this year to complete FY2017 appropriations
- Congressional leadership from both parties have suggested following regular order, which would entail passing all twelve appropriations bills through the entire committee process in both chambers
- While prospects for regular order are better than usual this year, it is likely that at least a few appropriations bills will fail and need to be included in another omnibus package later this year
- With a bipartisan budget deal in place and a presidential election approaching, it is less likely that this year’s budget process will result in a government shutdown

Source: National Journal Research 2015; Bill Chappell, “‘Cromnibus’ Spending Bill Passes, Just Hours Before Deadline,” NPR, December 11, 2014; Rebecca Shabad, “House Approves \$1T Spending Bill,” The Hill, September 17, 2014; Erik Wasson, “\$1T omnibus spending bill unveiled,” The Hill, January 13, 2014; Lauren French, Jake Sherman and John Bresnehan, “John Boehner ends stalemate,” Politico, March 3, 2015; George E. Condon, Jr., “Yes, President Obama’s Budget Is a Big Deal,” National Journal, January 29, 2015; Daniel Wilson, “Senate Passes Joint \$1.1T 2016 Budget Plan,” Law360, May 5, 2015; Neil Siefring, “Take the Omnibus Option Off the Table,” The Hill, July 23, 2015; Kelsey Snell, “Congress clears legislation to avert a shutdown,” Washington Post, September 30, 2015; Jennifer Steinhauer, “John Boehner, House Speaker, Will Resign From Congress,” New York Times, September 25, 2015



Conflict in Iraq and Syria

Timeline of Key Recent Federal Actions on the Iraq and Syria Conflict

Sep 2013

Syria AUMF Resolution/Framework for Elimination of Syrian Chemical Weapons: The White House sent a draft resolution to Congress to authorize the use of American military force in Syria, which focused on stemming the use and proliferation of chemical weapons by Syrian President Bashar Assad. The resolution was passed by the Senate Foreign Relations Committee; however, the measure stalled after Russia and the US reached a diplomatic agreement to destroy Syria's chemical weapons arsenal.

Aug 2014

President Authorizes Limited Airstrikes in Iraq: In response to ISIS militant activity and a dire humanitarian situation in Mount Sinjar, the White House authorized limited airstrikes against ISIS in Iraq. U.S. military aircraft was also used to drop food and water in the region. This represented the first escalation of US military activity in Iraq since the US withdrew from the country in late 2011.

Feb 2015

Proposed AUMF Against ISIS: The President again requested congressional authorization for military action against the Islamic State in the Middle East. The proposal would have repealed the 2002 legislation that authorized President Bush's invasion of Iraq in 2003, but would keep in place the 2001 legislation that authorized the war in Afghanistan and efforts against terrorism that have been conducted since then. Congress did not vote on the bill.

Nov 2015

House Passes Bill to Restrict Refugees: In the wake of ISIS's November 13, 2015 terrorist attack in Paris, the House passed a bill that would suspend the program allowing Syrian and Iraqi refugees into the U.S. until national security agencies can certify they do not pose a security risk. Senate Minority Leader Harry Reid (D-NV) has said he will try to block the bill, while the president has promised to veto the legislation.

Dec 2015

Visa Waiver Program Restricted by FY16 Omnibus: A provision in the omnibus spending law further restricts visa-free travel to the US, based on a person's dual nationality and previous travel history.

Potential Actions in 114th Congress

- Senate Foreign Relations Chairman Bob Corker (R-TN) has not ruled out the possibility of a new AUMF this Congress; however, there is currently no sense of urgency because Congressional leaders believe the president already has enough power to wage the fight against ISIS.
- In June 2015, Sens. Tim Kaine (D-VA) and Jeff Flake (R-AZ) introduced a draft proposal of an AUMF, although there has been little to suggest that a compromise will be reached between Democrats, who want any new AUMF to restrict the President's authority, and Republicans, who do not want to limit the administration's available military options in any way.
- It is not clear when the Senate will pick up the refugee bill that passed the House in November 2015 - opposition from Senate Democrats and possible a presidential veto looms

Sources: National Journal Research 2015, John Bresnahan, "Obama Sends Syria Resolution to the Hill," Politico, Aug 31, 2013; Peter Baker and Ashley Parker, "Congress Shows a Lack of Enthusiasm for Giving Obama War Powers to Fight ISIS," New York Times, Feb 21, 2015; Helene Cooper, Mark Landler, and Alissa J. Rubin, "Obama Allows Limited Airstrikes on ISIS," New York Times, Aug 7, 2014; Lauren Leatherby, "Whatever Happened to the Debate Over Use of Force Against ISIS?" June 17, 2015; Deirdre Walsh and Ted Barrett, "House passes bill that could limit Syrian refugees," CNN Politics, Nov 19, 2015; Patricia Zengerle, "U.S. Spending bill tightens visa waiver program," Reuters, Dec 16, 2015; Burgess Everett, "New War Authorization Left for Dead," Politico, November 11, 2015; Clip Art: Noun Project, Ted Grajeda



Cybersecurity

Timeline of Key Recent Federal Actions on Cybersecurity

Nov 2011

Cyber Intelligence Sharing and Protection Act (CISPA) Introduced in the 112th Congress: CISPA passes the House but fails to pass in the Senate as several provisions spark public outcry over privacy concerns. CISPA is then used as a framework for future legislation.

Apr 2015

Protecting Cyber Networks Act (H.R. 1560, PCNA) Passes the House: PCNA directs the Director of National Intelligence (DNI) to establish procedures for the federal government to share cyberthreat data, allowing businesses to execute their own response plans. Under PCNA, entities outside the federal government are not allowed to share cyberthreat data with the Department of Defense.

Apr 2015

National Cybersecurity Protection Advancement Act (H.R. 1731) Added to PCNA: The NCPAA establishes the Department of Homeland Security as the central repository for cyberthreat data and passes the House as a resolution to be added to the PCNA.

Oct 2015

Cybersecurity Information Sharing Act (S. 754, CISA) Passes the Senate: CISA is very similar to PCNA, however private companies and local and state governments are allowed to share cyberthreat data with the DOD and the NSA. CISA offers private companies liability protections which shields them from certain lawsuits related to data sharing. Provisions are included to protect civil liberties prevent monopolistic behaviors between private companies sharing cyberthreat data.

Dec 2015

CISA Signed Into Law As Provision In FY16 Omnibus Appropriations: Congress slips a version of CISA into the omnibus appropriations bill during final days of negotiations. This newer version of CISA retains important aspects of PCNA and NCPAA without amending the Homeland Security Act of 2002.

Potential Actions in 114th Congress

- Many legislators are now looking to pass legislation giving law enforcement better access to encrypted technology as recent terror attacks have utilized this technology.
- Chairman of the House Homeland Security Committee, Michael McCaul (R-TX) is leading an initiative to create a national commission on current security and technology challenges.
- Sen. Ron Wyden (D-OR), one of the most vocal critics of privacy issues in recent legislation, is calling for reforms favoring data privacy after negotiations on international data transfer agreements failed in part because of U.S. data privacy concerns.

Sources: Eric Geller, "Your Complete Guide to the 5 Cybersecurity Bills in Congress" The Daily Dot, October 27, 2015; Eric A. Fischer, "Cybersecurity And Information Sharing: Comparison of H.R. 1560 (PCNA and NCPAA) and S. 754 (CISA)," Congressional Research Service, November 6, 2015; Library of Congress, "H.R.1560 - Protecting Cyber Networks Act," April 27, 2015; Library of Congress, "S.754 - Cybersecurity Information Sharing Act of 2015" October 28, 2015; Andy Greenberg, "Congress Slips CISA A Budget Bill That's Sure To Pass," Wired, December 18, 2015; Katie Bo Williams, "Six Cybersecurity Lawmakers To Watch In 2016," The Hill, December 28, 2015; Julian Hatten, "Homeland Chair Moves To Rein In 'Dark' Networks," The Hill, December 7, 2015.



Defense Appropriations

Timeline of Key Recent Federal Actions on Defense

- Feb 2015 ○ **President Submits FY2016 Budget Request:** The request provides \$561 billion in base discretionary funding for national defense and \$58 billion for Overseas Contingency Operations (OCO).
- May 2015 ○ **Congressional Budget Resolution Passed:** Defense spending was the main issue stalling negotiations for the FY2016 budget. An amendment increasing the OCO budget to a total of \$96 billion (not subject to sequestration caps) helped negotiations move forward.
- Oct 2015 ○ **House and Senate Approve the National Defense Authorization Act for 2016 (NDAA):** The NDAA for FY2016 includes an overhaul of the military retirement system as well as several provisions geared to help small business government contractors.
- Oct 2015 ○ **President Obama Vetoes the NDAA Bill:** The bill only lifted spending limits for defense spending while President Obama sought to eliminate limits on both non-defense and defense discretionary spending. The President also opposed using OCO funding to circumvent defense spending caps.
- Nov 2015 ○ **President Signs the Bipartisan Budget Act of 2015 (BBA) and a Revised NDAA Bill:** Congress lifted both defense and nondefense spending caps through the passage of BBA and the President signed a revised NDAA bill into law. The revised NDAA bill also contained provisions aimed at keeping Guantanamo Bay operational, further complicating the President's plan to close the detention camp.
- Dec 2015 ○ **Omnibus Spending Bill Signed Into Law:** The federal government passed the Consolidated Appropriations Act of 2016 which appropriates \$514 billion for Defense and keeps OCO funding at the level initially requested by the President.

Potential Actions in 114th Congress

- In his signing statement for the NDAA, President Obama expressed disappointment over failures to modernize military healthcare and cut back on wasteful overhead. He aims to continue working with Congress to achieve these goals.
- The Defense Department is now tasked with the developing new military retirement system, based on recommendations outlined by the Military Compensation and Retirement Modernization Commission, for implementation on January 1, 2018.
- The President is expected to propose a budget for FY2017 in early February that complies with the BBA funding level of \$551 Billion for defense.

Sources: Carol E. Lee, "Obama Budget Proposes 7% More In Spending Above Sequestration Caps," *The Wall Street Journal*, January 29, 2015; The White House, "Statement by The President," November 25, 2015; Govtrack.us, "H.R. 1735; National Defense Authorization Act for Fiscal Year 2016"; Doug Salvemini, "An Overhaul of the Military Retirement Program," December 10, 2015; Lisa Mascaro, "Congress' Republicans Pass Budget, But That's The Easy Part: Showdown Looms," *LA Times*, May 5, 2015; John Bresnahan and Jake Sherman, "Budget Talks Break Down Amid GOP Rancor Over Defense Spending," *Politico*, March 19, 2015; House Appropriations Committee; Senate Appropriations Committee; Bernie Becker, Vicki Needham, and Martin Matishak, "House Budget Panel Clears \$3.8T Republican Spending Plan," *The Hill*, March 19, 2015. Pat Towell, "Fact Sheet: Selected Highlights of the FY2016 Defense Budget Debate and the National Defense Authorization Acts (H.R. 1735 and S. 1356)," *Congressional Research Service*, December 4, 2015.



Elementary and Secondary Education

Timeline of Key Recent Federal Actions

2011

○

Obama Administration Waiver Program: Absent a clear path for replacement or revision of No Child Left Behind, and with the law's 2014 deadline for reading and math looming, the administration offered to waive the proficiency deadline and other requirements for states which overhaul low-performing schools and enact more stringent teacher evaluations.

July 8, 2015

○

Student Success Act: The House passed a NCLB replacement bill which would eliminate federal mandates for educational standards and poor performing schools, allow schools and parents to opt-out of standardized testing, and change the funding formula to have money follow individual low-income students rather than stay at schools with the most low-income students. The bill passed with no Democratic support.

July 16, 2015

○

Every Child Achieves Act of 2015: The Senate passed a bipartisan bill put together by Sens. Lamar Alexander (R-TN) and Patty Murray (D-WA), which would maintain annual standardized tests and funding for low-income schools while reducing the Education Department's oversight and regulatory authority over state programs designed to improve educational outcomes for low-income and minority students.

Nov 19, 2015

○

Compromise Framework: House and Senate negotiators approved a compromise that merges the two education bills from the summer. Full votes in Congress are expected in December 2015.

Dec 10, 2015

○

Every Student Succeeds Act of 2015: After passing Congress, the President signed the Every Student Succeeds Act into law, a replacement for No Child Left Behind Act. The law limits the federal government's role in education policy but keeps annual testing requirements. Examples of how the law expands state control include: allowing states to determine their own accountability goals to measure student performance and letting states determine how to intervene in failing and underperforming schools.

Potential Actions in 114th Congress

- Congress has yet to reauthorize the Child Nutrition Act, which was last reauthorization passed in 2010 as the Healthy, Hunger-Free Kids Act; President Obama highlighted reauthorization as a 2016 priority in an end-of-year press conference.

Sources: National Journal Research, 2015, Blake Neff, "No Child Left Behind Might Actually Get Replaced," Daily Caller, April 16, 2015; Pete Kasperowicz, "House votes 221-207 to limit federal control over education," The Hill, July 13, 2015; Sam Dillon, "Obama to Waive Parts of No Child Left Behind," The New York Times, Sep 22, 2011; Anya Kamenetz, "It's 2014. All Children Are Supposed to Be Proficient. What Happened?" NPR, Oct 11, 2014; Joy Resmovits, "States Struggle to Overhaul Schools After No Child Left Behind," Huffington Post, Jan 6, 2014; Alia Wong, "Life After No Child Left Behind," Atlantic, July 8, 2015; Lyndsey Layton and Emma Brown, "Senate Passes No Child Left Behind Rewrite, Would Shrink Federal Role," Washington Post, July 16, 2015, Christopher Magan, "Kline to chair No Child Left Behind conference committee," Pioneer Press, July 30, 2015; Jennifer C. Kerr, "What Your Need to Know About the No Child Left Behind Rewrite," Huffington Post, Nov. 20, 2015.; Gregory Korte, "The Every Student Succeeds Act vs. No Child Left Behind: What's Changed?" USA Today, Dec 11, 2015



Highway Trust Fund

Timeline of Key Recent Federal Actions on the Highway Trust Fund

July 2014

○

Highway and Transportation Funding Act of 2014: A \$10.8 billion law keeping the fund solvent until May 2015, as a temporary patch prior to the August recess and projected insolvency.

May 2015

○

Highway and Transportation Funding Act of 2015: A further two month extension of the Highway Trust Fund is passed by Congress; Republicans, including House Majority Leader Kevin McCarthy (R-CA) and House Ways and Means Chairman Paul Ryan (R-WI) suggest paying for a more permanent extension of the fund by generating revenue through tax reform.

July 2015

○

Surface Transportation and Veterans Health Care Choice Improvement Act of 2015: On the brink of insolvency, the House passes a short term 3-month extension to allow for more time to negotiate a 6-year bill. The bill passed in the Senate as well, right after the Senate passed the DRIVE Act, which reauthorizes highway spending for 6 years but only plans 3 years of funding. The President signs the 3-month patch.

Oct 2015

○

Surface Transportation Extension Act of 2015: Congress approves a three-week patch to prevent a shutdown of the federal transportation funding.

Nov 2015

○

Surface Transportation Extension Act of 2015, Part II: Congress approves two-week patch before the Thanksgiving recess to avoid a shutdown in federal transportation funding.

Dec 2015

○

Fixing America's Surface Transportation (FAST) Act: House and Senate negotiators agree on a 5-year, \$305 billion highway bill, the longest term highway bill in a decade. This piece of legislation revives the Export-Import Bank while keeping the gas-tax stagnant at 18.4 cents per gallon.

Potential Actions in 114th Congress

- None
- The FAST Act funds transportation investments for five years and renews the Export-Import Bank through September 2019.
- Senator Chuck Schumer (D-NY) has suggested using international tax reform to fund new infrastructure spending in 2016, but this is unlikely to pass Congress during the election year.

*This issue will be archived
in the next legislative forecast*

Sources: Brian Ethridge, "Highway Trust Fund 2014: Timeline of Events," Equipment World, August 15, 2014; Keith Laing and Cristina Marcos, "House passes summer road funding fix," The Hill, May 19, 2015; Library of Congress, "H.R. 3038 – Highway and Transportation Funding Act of 2015, Part II," July 22, 2015, Siobhan Hughes and Kristina Peterson, "Senate Reaches Preliminary Agreement on Highway Funding Bill," Wall Street Journal, July 21, 2015, Kathleen Miller, "Senate Sends Latest Stopgap U.S. Highway Funding Bill to Obama," Bloomberg, July 30, 2015; Keith Laing, "Feds: Highway Funding Will Last Until June 2016," The Hill, September 8, 2015; Keith Laing, "Senate Approves Three-Week Highway Bill," The Hill, October 28, 2015.; Keith Laing, "Obama Signs Two-Week Highway Bill with Autopen," The Hill, November 20, 2015; Siobhan Hughes and Paul Page, "Lawmakers Research Compromise on Five-Year Highway Bill," The Wall Street Journal, December 1, 2015; Keith Laing, "Obama Signs \$305 Billion Highway Bill," The Hill, December 4, 2015.



International Trade

Timeline of Key Recent Federal Actions on International Trade

2014

○

Bipartisan Congressional Trade Priorities Act of 2014: Bill introduced by Rep. Dave Camp (R-MI) and Sen. Max Baucus (D-MT) to provide the administration trade promotion authority to assist ongoing TPP and Transatlantic Trade and Investment Partnership (TTIP) negotiations; the bill was referred to committee and no further action was taken.

May 2015

○

Trade Facilitation and Trade Enforcement Act of 2015: Bill that reauthorizes customs and border patrol enforcement (H.R. 644) passes in the House, it later passes in the Senate with an amendment. The House did not approve the amendment, and the bill will go to conference.

Jun 2015

○

Trade Act of 2015 Fails to Pass: The Trade Act of 2015 contained two parts: Trade Promotion Authority (TPA) and Trade Adjustment Assistance (TAA). While it passed in the Senate, the House voted on the parts separately and only passed TPA. Though Democrats overwhelmingly support TAA, they voted against it in the House in order to kill the entire bill.

Jun 2015

○

“Fast Track” Enacted and Trade Preferences Extension Act of 2015: After the Trade Act of 2015 failed to pass, Congress passed fast-track authority and TAA separately by attaching them to other bills (H.R. 1295 and H.R. 2146).

Oct 2015

○

Trans-Pacific Partnership Agreement Reached: After 8 years of negotiations, the US and 11 Pacific Rim nations reached an agreement on TPP, a historic trade deal encompassing 40% of the world’s economy. The agreement will be introduced in Congress in 2016, where it will face up-or-down ratification votes under the rules of TPA.

Dec 2015

○

Trade Facilitation and Trade Enforcement Act of 2015: Conference report on the bill was agreed to in the House by 256-158 vote.

Potential Actions in 114th Congress

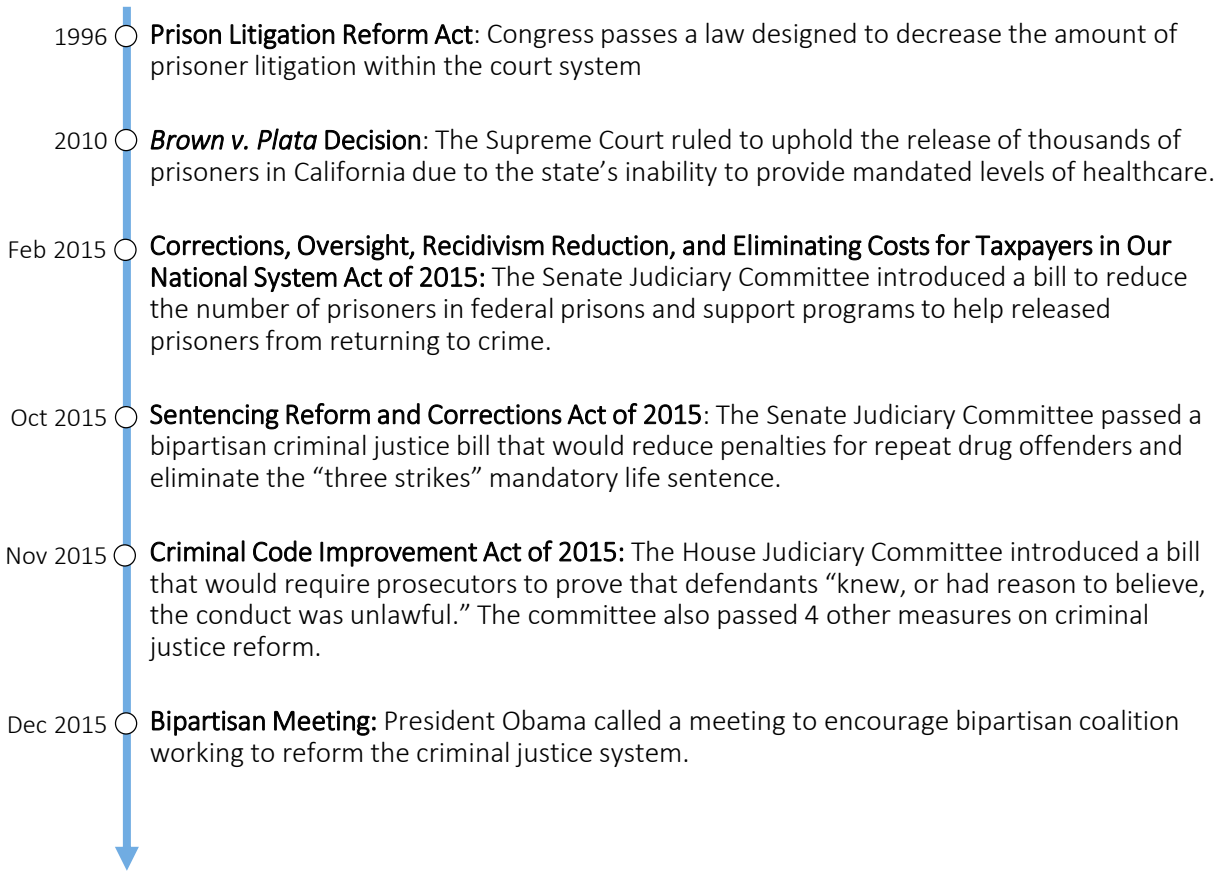
- President Obama’s Trade Promotion Authority makes it more likely that the Trans-Pacific Partnership will be supported by a majority vote in both chambers; however, the deal will likely face opposition from labor unions, conservatives, and others. It will be difficult to predict the deal’s fate in Congress until the full 30 chapters of text is made available to the public.
- Congress is expected to consider the Trans-Pacific Partnership in 2016, possibly after the election in November.

Source: Source: Senate GovTrack.us, “H.R. 644 – Trade Facilitation and Trade Enforcement Act of 2015,” June 15, 2015; Burgess Everett, “Democrats yield in Senate trade deal,” Politico, May 13, 2015; Congress.gov, “H.R. 1295 – Trade Preferences Extension Act of 2015,” June 29, 2015; John Brinkley, “Senate Fast-Track Failure Doesn’t Presage the Death of Free Trade,” Forbes, May 12, 2015; Doug Palmer, “White House wants trade promotion authority: Kirk,” Reuters, February 29, 2015; Office of the United States Trade Representative, “Transatlantic Trade and Investment Partnership,” 2015; Rossella Brevetti, “President Barack Obama Signals Readiness to Work on Getting Bipartisan TPA Passed,” Bloomberg BNA, December 5, 2014; Mike Palmedo, “Revisiting USTR’s Negotiating Objectives in New Trade Promotion Authority Legislation,” Infojustice, April 28, 2013, GovTrack.us, “H.R. 2146: Defending Public Safety Employees’ Retirement Act,” June 23, 2015, GovTrack.us, “H.R. 1314: Trade Act of 2015,” June 15, 2015, International Trade Today, “Lawmakers Ready to Launch Customs Conference with Outcomes Largely Uncertain,” July 8, 2015; Adam Behsudi, Doug Palmer, and Jenny Hopkinson, “Customs Bill is Coming to Town,” Politico, December 2, 2015. Alisha Chang, “8 Things Congress Actually Did This Year,” NPR, December 30, 2015. Jonathan Weisman, “Talks for Pacific Trade Deal Stumble,” New York Times, July 31, 2015.



Prison Reform

Timeline of Key Recent Federal Actions on Prison Reform



Potential Actions in 114th Congress

- After GOP Senator Chuck Grassley and five other senators announced the Sentencing Reform and Corrections Act of 2015 in October, the House Judiciary Committee introduced its own prison reform bill.
- The House and Senate must now bring the two proposals up for floor votes in each chamber.
- President Obama has expressed interest in prison reform and could plausibly sign a bipartisan reform bill in 2016 before leaving office.

Sources: The Supreme Court of the United States, "Brown, Governor of California et al. v. Plata et al." October 2010. David McCabe, "Senators Unveil Prison Reform Bill," The Hill, February 10, 2015; Congress.gov, "S.2123 – Sentencing Reform and Corrections Act of 2015," 114th Congress (2015-2016), October 2015; Jack Martinez, "Senators Announce Bipartisan Criminal Justice Reform Legislation," Newsweek, October 1, 2015; Juliet Eilperin and Mike DeBonis, "Obama Convenes Meeting on Criminal Justice Reform to Buoy Bipartisanship," Washington Post, December 3, 2015.



Tax Reform

Timeline of Key Recent Federal Actions on Immigration

Feb 2014

Tax Reform Act of 2014: A comprehensive draft proposal for tax reform which was released by then-House Ways and Means Committee Chair, Rep. Dave Camp (R-MI); the bill would have lowered corporate and individual tax rates and simplified the tax code, but faced wide opposition and was only ceremonially put to the floor at the end of 2014.

Sep 2014

Treasury Actions on Inversion: Treasury Secretary Jack Lew put forward a series of measures designed to reduce benefits of tax inversions, including blocking inverted companies from transferring assets to parent companies and accessing foreign earnings.

Jan 2015

Senate Finance Committee Tax Working Groups: The Senate Finance committee created five tax reform 'working groups' on different issue areas to create proposals for tax reform in the 114th Congress. These reports were presented in July 2015; however, there was no consensus or clear plan for reforms.

Jul 2015

Portman-Schumer Plan: Sens. Portman (R-OH) and Schumer (D-NY) proposed a framework to tax all US corporate profits abroad regardless of repatriation, but at a significantly lower rate. The plan is supported by Rep. Paul Ryan (R-WI), but opposed by Senate majority leader Mitch McConnell (R-KY), who prefers comprehensive tax reform.

Nov 2015

Further Treasury Action: The Treasury Department announced additional rules intended to discourage tax inversion. The pharmaceutical company Pfizer announced plans to merge with Allergan, which would be the largest tax inversion so far.

Dec 2015

Consolidated Appropriations Act, 2016: Lawmakers dealt with a package of expiring tax credits known as "tax extenders" by making some provisions permanent. The deal was attached to a must-pass spending bill, ensuring swift passage.

Potential Actions in 114th Congress

- Comprehensive tax reform is unlikely in 2016; lawmakers in both parties suggest that such a massive undertaking would occur in 2017 after the elections are settled
- Senator Chuck Schumer (D-NY), who is likely to lead Senate Democrats starting in 2017, suggested that he would work with House Speaker Paul Ryan (R-WI) to pass a smaller package focused on international tax reform
- Sen. Schumer proposes using any windfall generated via international tax reform on increased infrastructure spending, but Senate Majority Leader Mitch McConnell (R-KY) has ruled out that approach
- With the "extenders" issue settled, House and Senate tax committees will be more free to focus on the details on a potential comprehensive package; however, a final package will depend on who controls the White House and Senate in 2017

Source: Seung Min Kim, "Funding bill becomes immigration battle," Politico, September 18, 2014; Steve Vladek, "National Security and the 2014 Midterms: A Preview of Monday's CQ Roll Call/Just Security Event," Just Security, September 21, 2014; Billy House and Sarah Mimms, "Spending, Immigration, and Tax Fights Will Dominate Final Days of Session," National Journal, November 30, 2014; Jake Sherman and John Bresnehan, "Republicans ready to vote," Politico; Manu Raju and Seung Min Kim, "House GOP's Immigration Problem: No Path to 60 in the Senate," Politico; Dara Lind, "Here's the Republican strategy for stopping Obama on immigration," Vox, January 13, 2015; "House Votes to strip federal funding "from sanctuary cities,"" Washington Post; National Journal Research, 2015.