

Legislative Forecast for the 114th Congress

March 1, 2016

Producers: Katharine Conlon, Tucker Doherty,
Alexander Perry, Christine Yan, Justin Brown,
Owen Minott and Ben Booker

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
- Criminal Justice Reform
- Cybersecurity
- Defense Appropriations
- Elementary and Secondary Education*
- Energy and Environment
- International Trade
- Mental Health*
- Tax Reform

**These legislative issues have not changed over
the course of the past month*

Archived Issues (Major Legislative or Administration Actions in 2015)

- Debt Ceiling
- Export-Import (Ex-Im) Bank
- Highway Trust Fund
- 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
- Jan 2016 ○ **Congress Sends ACA Repeal to President's Desk; Obama Vetoes Measure:** Both chambers of Congress passed the Restoring Americans' Healthcare Freedom Reconciliation Act of 2015, marking the first time Congress has sent a repeal of the ACA to the president's desk. As expected, the president vetoed the measure.

Potential Actions in 114th Congress

- A House vote to override the president's veto of legislation to repeal huge swaths of Obamacare was delayed by a blizzard - a vote is likely to take place during the week of February 1, 2016
- It is unlikely that both chambers will reach the two-thirds majority necessary to override a presidential veto

Sources: National Journal Research, 2016; 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," Dec 2015; Peter Sullivan, "House passes ObamaCare repeal, sending measure to president," The Hill, Jan 6, 2016.

\$ Appropriations

Timeline of Key Recent Federal Actions on Appropriations

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.

Feb 2016

○

President’s FY17 Budget Request: The President’s Budget request adhered to the numbers set by the Bipartisan Budget Act of 2015, and included several initiatives with potential bipartisan support, including a cancer research program and an opioid epidemic response

Potential Actions in 114th Congress

- Two conservative factions, the House Freedom Caucus and the Republican Study Committee, have said that their members are unlikely to support the topline spending numbers set by the Bipartisan Budget Act of 2015
- Republicans may move on to the appropriations process without passing a new budget, and are pressured to do so by a particularly short legislative calendar in an election 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; however, Republican plans for passing all twelve appropriations bills via “regular order” will likely fall short, resulting in another omnibus package

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; Kelsey Snell, “House Republicans Struggle to End Budget Standoff,” The Washington Post, February 29, 2016.



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 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.

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.

Jan 2016

Senate Blocks Bill to Restrict Refugees: Senate Democrats blocked a measure that would restrict the resettlement of Syrian and Iraqi refugees in the United States; the bill passed the House shortly after ISIS's November 13, 2015 terrorist attack in Paris.

Feb 2016

Ceasefire Agreement: The US-led coalition, Russia, and parties in Syria agreed to a ceasefire agreement that came into effect on Feb 27th. The ceasefire is supposed to last for two weeks and does not prohibit attacks on ISIS or other UN designated terrorist organizations

Potential Actions in 114th Congress

- 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 unclear whether McConnell's procedural move to allow an AUMF to bypass the Senate Foreign Relations Committee marks an ideological shift for Senate leaders, who have said they would not advance an AUMF against ISIS without a coherent strategy from the White House.
- Shortly after the ceasefire agreement went into effect, both Syrian and Russia forces were alleged to have breached the terms of the deal; however, UN Secretary General Ban Ki-moon said the cessation was mostly holding and hoped that the hostilities would be contained.

Sources: National Journal Research 2016, 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; Joe Gould, "McConnell Nudges Graham's AUMF Forward in US Senate," Defense News, Jan 22, 2016; Jordain Carney, "Refugee bill stalls in Senate after battle over Trump amendment," The Hill, Jan 20, 2016; Patrick Wintour and Mark Tran, "First test for Syrian truce after breaches reported on both sides," The Guardian, Feb. 29, 2016; Noun Project, Ted Grajeda.



Criminal Justice Reform

Timeline of Key Recent Federal Actions on Criminal Justice Reform

2010

Brown v. Plata Decision: The Supreme Court ruled to uphold the release of thousands of prisoners in California due to the state’s inability to provide mandated levels of healthcare.

Feb 2015

Corrections, Oversight, Recidivism Reduction, and Eliminating Costs for Taxpayers in Our National System Act of 2015: The Senate Judiciary Committee introduced a bill to reduce the number of prisoners in federal prisons and support programs to help released prisoners from returning to crime.

Oct 2015

Sentencing Reform and Corrections Act of 2015: The Senate Judiciary Committee reported out of committee a bipartisan criminal justice bill that would reduce penalties for repeat drug offenders and eliminate the “three strikes” mandatory life sentence.

Nov 2015

Criminal Code Improvement Act of 2015: The House Judiciary Committee introduced a bill that would require prosecutors to prove that defendants “knew, or had reason to believe, the conduct was unlawful.”

Dec 2015

Bipartisan Meeting: President Obama convened a meeting of 13 members of Congress to encourage bipartisan reform of the criminal justice system.

Dec 2015

Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015: Senate Judiciary Committee issued a report to the full chamber recommending the bill be considered further.

Feb 2016

Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015: Senator Tom Cotton (R) opposed the bill and held up the progress of the bill in the Senate.

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.
- Senator Tom Cotton (R) said he will try and work with Grassley to eventually pass the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015.

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; Seung Min Kim, “Cotton Leads Effort to Sink Sentencing Overhaul,” The Hill, January 25, 2016; Associated Press, “Tom Cotton Holds Up Juvenile Justice Overhaul in the Senate,” Arkansas Online, February 12, 2016..



Cybersecurity

Timeline of Key Recent Federal Actions on Cybersecurity

Apr 2015

○

Protecting Cyber Networks Act (H.R. 1560, PCNA) Passed 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 established the Department of Homeland Security as the central repository for cyberthreat data and passed the House as a resolution to be added to the PCNA.

Oct 2015

○

Cybersecurity Information Sharing Act (S. 754, CISA) Passed 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 slipped 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.

Feb 2016

○

President Signed the Judicial Redress Act: The passage of the law was an integral piece of the EU-US "Privacy Shield" Agreement: a replacement to the earlier "Safe Harbor" data-transfer agreement. The law provides data privacy protections to EU citizens when personal data is compromised by US companies and gives the DOJ authority to designate countries that have appropriate privacy protections for sharing data with the U.S.

Potential Actions in 114th Congress

- Many legislators are looking to pass legislation giving law enforcement better access to encrypted technology. In light of recent events concerning Apple and the FBI's investigation into the San Bernardino, this has become a hot-button issue within government as well as on the presidential campaign trail.

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; Julian Hatter, "Homeland Chair Moves To Rein In 'Dark' Networks," *The Hill*, December 7, 2015; Alex Byers and Katie Tummarello "Lawmakers strike Judicial Redress Act deal, head to markup," *Politico*, January 28,2016; Sheila A. Millar, Tracy P. Marshall, Nathan A. Cardon, "Obama Signs Judicial Redress Act, Will It Move EU-US Privacy Shield Forward?" *The National Law Review*, February 27, 2016.



Defense Appropriations

Timeline of Key Recent Federal Actions on Defense

Oct 2015

○

House and Senate Approved the National Defense Authorization Act for 2016 (NDAA): The NDAA for FY2016 included an overhaul of the military retirement system as well as several provisions geared to help small business government contractors.

Oct 2015

○

President Obama Vetoed 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 Signed 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.

Feb 2016

○

President Submitted FY2017 Budget Request: The request provided \$524 billion in base discretionary funding for national defense and \$59 billion for Overseas Contingency Operations (OCO), a total of \$583 billion.

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.

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; Aaron Mehta, "Defense Secretary Carter To Preview FY17 DoD Budget on Feb. 2," *DefenseNews.com*, January 27, 2016; Tamar Hallerman, "White House Sets Feb. 9 Budget Rollout Date," *Roll Call*, January 7, 2016; The White House: Office of Management and Budget, "The President's Budget: Department of Defense," February 9, 2016.

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.

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; PR Newswire, "Bipartisan Child Nutrition Bill Passes Senate Committee," Jan. 20, 2016

Potential Actions in 114th Congress

- Congress has yet to reauthorize the Child Nutrition Act (it passed the Senate Agriculture Committee on January 20, 2016), which was last reauthorized in 2010 as the Healthy, Hunger-Free Kids Act; President Obama highlighted the bill's reauthorization as a 2016 priority in an end-of-year press conference.



Energy and Environment

Timeline of Key Recent Federal Actions on Energy

- Aug. 2015 ○ **Environmental Protection Agency Introduced Clean Power Plan:** The EPA’s Clean Power Plan is a comprehensive set of rules regulating CO₂ emissions. The Clean Power Plan sets targets for carbon emission reductions to be met by 2030. States are required to submit plans to EPA outlining how they will reduce their carbon emissions.
- Nov. 2015 ○ **Obama blocked Keystone XL Pipeline:** Obama announced he would be rejecting construction of the Keystone XL Pipeline on the U.S. side of the border.
- Dec. 2015 ○ **House Passed Comprehensive Energy Bill, H.R. 8 :** H.R. 8 seeks to bolster energy infrastructure, improve energy efficiency in buildings and products, along with other measures. H.R. 8 is the companion bill to the Senate’s S. 2012 energy bill.
- Dec 2015 ○ **Obama signed law lifting 40 year crude oil export ban:** For the first time since the 1970s oil crisis, US crude oil producers would be able to export their product. However, since the market is glutted with oil, the immediate impact on US oil exports will be limited.
- Jan. 2016 ○ **Obama Issued Executive Order Placing a Moratorium on New Federal Coal Leases:** The moratorium lasts for three years while the Department of Interior conducts an assessment of the environmental impact of coal leases on federal land.
- Jan. 2016 ○ **Senate Began Debate of Comprehensive Energy Bill, S. 2012:** The Senate began discussing the major Senate energy bill S. 2012 and offered dozens of amendments.
- Feb. 2016 ○ **The Office of Management and Budget (OMB) releases the president’s fiscal year 2017 budget proposal:** President Obama’s fiscal year budget proposal was released that included a \$10.25 tax per barrel on oil. Over ten years, the tax would help pay for the \$320 billion “21st Century Clean Transportation Plan,” a huge clean infrastructure investment plan.

Potential Actions in 114th Congress

- The Senate has just recently **agreed to an Flint aid package**, which was the main reason for the delay in the Senate’s discussion on their energy bill, S. 2012.
- The Senate will most likely approve the aid package sometime in the coming weeks and resume discussion of S.2012.
- However, there are still disagreements over the plethora of proposed amendments to S.2012. This may delay passage of the Senate energy bill.
- Since the president has released his budget proposal, Congress will be holding a series of hearings over the next month with the Secretaries of Energy and Interior to discuss the president’s energy and environmental proposals.

Sources: Valerie Volcovio, “Senate Starts Debate on Broad Energy Bill,” Reuters, January 27, 2016; Katherine Conlon, “Clean Power Plan Primer”, National Journal, August 5, 2015; Devin Hurry, “House Passes Energy Policy Bill Overhaul,” The Hill, December 3, 2015; Timothy Cama, “Obama Halts New Federal Coal Mining”, The Hill, January 15, 2016; US Spending Bill Lifts 40-year Ban On Crude Oil Exports Ban,” BBC News, December 18, 2015; GovTrack.us, January 28, 2016; Coral Davenport, “Citing Climate Change, Obama Rejects Construction of Keystone XL Oil Pipeline,” The NY Times, November 6, 2015; Office of Management and Budget, Chicago Tribune, “Ted Cruz Lifts Hold on Bipartisan Bill to Replace Water Pipes in Flint,” February 26, 2016; Timothy Cama, “Week Ahead: Energy Secretary Takes Budget Hot Seat,” February 29, 2016.



International Trade

Timeline of Key Recent Federal Actions on International Trade

May 2015

○

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

Jun 2015

○

Trade Act of 2015 Failed 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 a 256-158 vote.

Feb 2016

○

Trans-Pacific Partnership Signed: The twelve member nations signed the trade deal, which will now undergo a two-year ratification period. At least six countries must approve the deal during this time before it will be implemented.

Potential Actions in 114th Congress

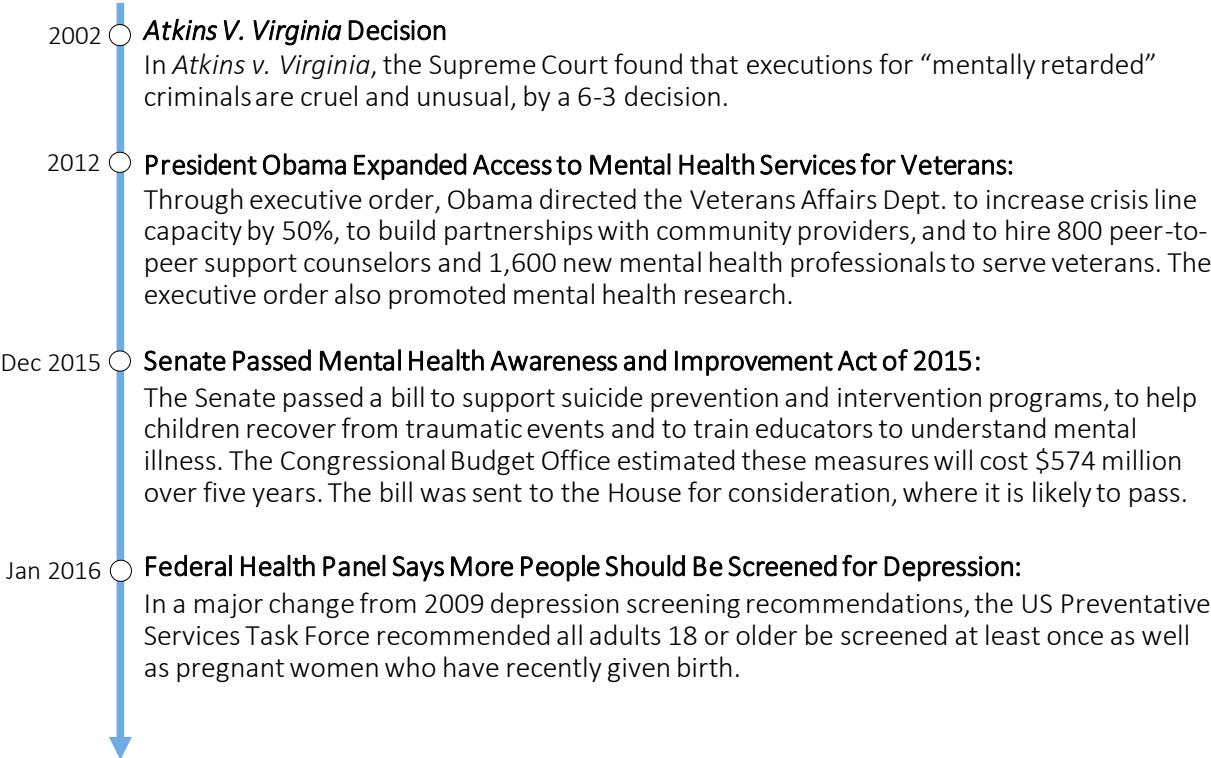
- President Obama’s Trade Promotion Authority makes it more likely that the Trans-Pacific Partnership will be supported by a majority vote in both chambers; however, the deal will likely face opposition from labor unions and other groups, as well as members of both parties in Congress.
- Congress is expected to consider the Trans-Pacific Partnership in 2016, most likely in the lame-duck session after the election in November, according to Senate Majority Leader Mitch McConnell.

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; Vicki Needham, “Obama expected to push Congress to pass TPP,” The Hill, January 12, 2016; Rebecca Howard, “Trans-Pacific Partnership trade deal signed, but years of negotiations still to come,” Reuters, February 4, 2016.



Mental Health

Timeline of Key Recent Federal Actions on Mental Health



Potential Actions in 114th Congress

- In January, 2016, Obama called on Congress to fund \$500 million in mental health reforms as part of a broader effort to address gun violence
- In early 2016 the Senate Judiciary Committee will hold a hearing on mental health in the justice system
- Congress will likely consider **The Mental Health Reform Act of 2015**. Introduced by Senators Bill Cassidy (R-LA) and Chris Murphy (D-CT), the bill proposes an array of reforms including the establishment of an Assistant Secretary of Mental Health within the Dept. of Health

Sources: Oyez, IIT Chicago-Kent School of Law, June, 2002; Pam Belluck, “Panel Calls for Depression Screenings During and After Pregnancy,” New York Times, January 26, 2016; “Alexander, Murray Introduce Mental Health Awareness And Improvement Act,” The Chattanooga, January 28, 2016; Congressional Budget Office, November, 2015; The White House Office of Press Secretary, August 31, 2012; Sarah Ferris, “Obama Dares GOP for Mental Health Reforms,” The Hill, January 5, 2016; Ron Honberg, “Two Major Mental Health Bills Introduced in US Senate,” National Alliance on Mental Health, August 10, 2015.



Tax Reform

Timeline of Key Recent Federal Actions on Tax Reform

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.

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.

Feb 2016

President's FY17 Budget Request: This year's request proposed international tax reform in exchange for increased infrastructure spending; a similar provision was included in last year's request

Potential Actions in 114th Congress

- Comprehensive tax reform is unlikely in 2016; suggest a massive undertaking would probably occur in 2017 after inauguration
- Sen. Chuck Schumer (D-NY), who is likely to lead Senate Democrats starting in 2017, suggested he would work with House Speaker Paul Ryan (R-WI) to pass a smaller bill focused on international tax reform
- Senate Maj. Leader Mitch McConnell (R-KY) has ruled-out that approach and stated a preference for one comprehensive package
- A shorter than usual legislative calendar, together with controversies over the budget, the Supreme Court, and the election, means that even a modest reform package is a long shot this year
- With the "extenders" issue settled, House and Senate tax committees will be more free to focus on the details of a potential comprehensive package

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, 2016.