

# Legislative Forecast for the 114<sup>th</sup> Congress

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# A Guide to This Legislative Forecast

## Issues Covered in This Month's Legislative Forecast

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- 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
- Opioid Abuse and Heroin Epidemic
- Tax Reform

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

## Archived Issues (Major Legislative or Administration Actions in 2015)

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- 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.*



# The Legislative Agenda for 2016

## Prospective Items on Legislative Agenda in 114<sup>th</sup> Congress

Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
	<b>Approps:</b> President's FY16 Budget Request <b>Iraq &amp; Syria:</b> Partial ceasefire went into effect		<b>Approps:</b> Senate plans to consider individual appropriations bills, pending cooperation with budget committee <b>Energy &amp; Environment:</b> President expected to sign Paris Climate Treaty						Beginning of FY17		

**Possible Actions, Timing Unknown**

- Affordable Care Act:** SCOTUS decision on *Zubik v. Burwell*
- Cybersecurity:** Senate Intelligence Committee draft encryption legislation
- International Trade:** Congressional vote on TPP
- Mental Health Reform:** Congressional consideration of Mental Health Reform Act of 2015

Sources: National Journal Research, 2016; Noun Project, Phil Laver.



# 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 114<sup>th</sup> 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
- The Supreme Court is expected to decide on *Zubik v. Burwell*, which will determine whether the contraceptive-coverage mandate and its 'accommodation' to the Religious Freedom Restoration Act is constitutional; early indications suggest the court is split

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, "McCconnell 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; Scotusblog, "Zubik v. Burwell," 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 114<sup>th</sup> Congress

- The House Budget Committee approved a budget resolution, but some House conservatives, including the Freedom Caucus, oppose it; they think the topline spending numbers set by the Bipartisan Budget Act of 2015 are too high, while other Republicans want to increase military spending
- Speaker Paul Ryan is considering a mechanism that will allow the appropriations process to begin without passing a new budget, but he has said he would need the support of all 218 House Republicans to do so
- 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 stopgap bill or 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; Jake Sherman and Lauren French, “Ryan confronts budget meltdown,” Politico, March 15, 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 27<sup>th</sup>. The ceasefire does not prohibit attacks on ISIS or other UN designated terrorist organizations.

### Potential Actions in 114<sup>th</sup> 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 Russian forces were alleged to have breached the terms of the deal; however, the ceasefire has curbed the overall level of violence to varying degrees in different parts of Syria

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, "What ever 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; AT Editor, "Ceasefire Cuts Violence in Western Syria by 37%," Asia Times, March 21, 2016.



# 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 114<sup>th</sup> 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,” 114<sup>th</sup> 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 114<sup>th</sup> Congress

- Senators Richard Burr (R-NC) and Dianne Feinstein (D-CA) are currently working on legislation that would require tech companies to comply with government requests for locked data. This is seen as a response to the recent feud between Apple and the FBI, as the government was able to circumvent Apple's compliance by enlisting a third party to hack into the terrorist's iPhone.

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 Hatttem, "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; Cory Bennett "Senate Dem Will Use Every Power to Stop Anti-Encryption Bill," *The Hill*, March 30, 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 114<sup>th</sup> 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.

### Potential Actions in 114<sup>th</sup> 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.

*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*



# 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 CO<sub>2</sub> emissions. The Clean Power Plan sets carbon emission reduction targets for states to be met by 2030.
- 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 ○ **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.
- 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.
- Mar. 2016 ○ **President Obama and Canadian PM Trudeau released climate statement:** The joint statement included a commitment by both countries to reduce their methane emissions to 40-45% below 2012 levels by 2025.
- Mar. 2016 ○ **President Obama rejected Atlantic Coast drilling plan:** The Bureau of Land Management said they would not permit oil and gas exploration off the Atlantic Coast due to environmental, financial and national security reasons.
- Mar. 2016 ○ **Bureau of Land Management began its public-land coal review process:** As part of Obama’s moratorium on coal leases on public land, the BLM started its review of coal use on public lands.

## Potential Actions in 114<sup>th</sup> Congress

- The Senate has stalled on a comprehensive energy reform bill with little momentum to move forward.
- The biggest executive initiative is EPA’s recently launched voluntary methane emissions reductions program. Companies who sign onto program agree to implement best practices over five years in order to reduce methane emissions. The goal is to meet Obama’s announced aim of reducing national methane emissions to 40-45% below 2012 levels by 2025.
- Lawmakers in the House and Senate have come out in support of the EPA’s Clean Power Plan calling for D.C. Circuit Court of Appeals to uphold the CPP.
- President Obama announced he will sign the Paris Climate Agreement on Earth Day, which is April 22<sup>nd</sup>.

Sources: Valerie Volcovio, "Senate Starts Debate on Broad Energy Bill," Reuters, January 27, 2016; Katherine Conlon, "Clean Power Plan Primer", National Journal, 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; Nick Snow, "EPA Launches Voluntary Methane Control Program with 41 Companies," Oil and Gas Journal, March 31, 2016; Jennifer Dlouhy, "Obama Bars Atlantic Offshore Oil Drilling in Policy Reversal," Bloomberg News, March 15, 2016; Timothy Cama, "Feds Start Public-Land Coal Review Process," The Hill, March 24, 2016; Alex Pashley, "U.S. and China to Sign Paris Climate Deal in April," The Guardian, April 1, 2016.



# International Trade

## Timeline of Key Recent Federal Actions on International Trade



### Potential Actions in 114<sup>th</sup> 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: Senate GovTrack.us, “H.R. 644 – Trade Facilitation and Trade Enforcement Act of 2015,” March 2016; 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; Alisha Chang, “8 Things Congress Actually Did This Year,” NPR, December 30, 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

- 2002 ○ **Atkins V. Virginia Decision**  
In *Atkins v. Virginia*, the Supreme Court found that executions for “mentally retarded” criminals are cruel and unusual, by a 6-3 decision.
- 2012 ○ **President Obama Expanded Access to Mental Health Services for Veterans:**  
Through executive order, Obama directed the Veterans Affairs Dept. to increase crisis line capacity by 50%, to build partnerships with community providers, and to hire 800 peer-to-peer support counselors and 1,600 new mental health professionals to serve veterans. The executive order also promoted mental health research.
- Dec 2015 ○ **Senate Passed Mental Health Awareness and Improvement Act of 2015:**  
The Senate passed a bill to support suicide prevention and intervention programs, to help children recover from traumatic events and to train educators to understand mental illness. The Congressional Budget Office estimated these measures will cost \$574 million over five years. The bill was sent to the House for consideration, where it is likely to pass.
- Jan 2016 ○ **Federal Health Panel Says More People Should Be Screened for Depression:**  
In a major change from 2009 depression screening recommendations, the US Preventative Services Task Force recommended all adults 18 or older be screened at least once as well as pregnant women who have recently given birth.
- Mar 2016 ○ **President Obama Announces a New Task Force on Mental Health**  
President Obama established the Mental Health and Substance Use Disorder Parity Task Force, which aims to ensure that people with mental illnesses and substance abuse problems don't face discrimination in the health care system.

## Potential Actions in 114<sup>th</sup> 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; *WhiteHouse.gov*, 2016.



# Opioid Abuse and Heroin Epidemic

## Timeline of Key Recent Federal Actions on the Opioid Abuse and Heroin Epidemic

- 2011 ○ **Prescription Drug Abuse Prevention Plan:** The Obama administration set forth a plan ‘for the whole of government’ to focus on education, monitoring, proper disposal and enforcement to curb prescription drug abuse. Efforts included: the DOJ easing the rules for consumers to dispose of unused prescription drugs, Medicare enhancing its oversight of Part D utilization of the drugs, and CDC analyzing variation in prescribing practices.
- 2015 ○ **White House Efforts to Increase Access to Treatment and Doctor Training:** In August, the President announced an initiative to pair public health and law enforcement in an effort to shift emphasis from punishment to treatment of addicts. In October, the President announced a series of efforts to double the number of doctors who can prescribe buprenorphine and providers who can prescribe Naloxone
- Mar 2016 ○ **Senate Passes Comprehensive Addiction and Recovery Act (CARA):** Passing the Senate 94-1, the bill authorizes, but does not appropriate funding for, programs to combat prescription opioid abuse and incentivizes states to approve naloxone, a drug that combats overdoses. Senate Democrats expressed concerns about failing short on funding and not including an amendment for \$600 million in emergency funding.
- Mar 2016 ○ **CDC Releases Guidelines for Prescribing Opioids for Chronic Pain:** The CDC guidelines recommend that doctors try other pain relievers before prescribing opioids and that they give most patients only a few days’ supply. While the guidelines are nonbinding, they are the first national standard for prescribing opioid medications.
- Mar 2016 ○ **White House Announces Expanded Initiatives, Doubles Patient Limit to 200:** The President announced a package of initiatives to expand medication-assisted treatment for opioid addiction (MAT) and increase coverage for mental health and substance abuse services. Among the initiatives is an HHS rule to allow qualified physicians to prescribe addiction-fighting drugs to 200 patients at a time.

### Potential Actions in 114<sup>th</sup> Congress

- An identical version of the Senate’s CARA in the House has 92 co-sponsors
- The President’s FY 2017 Budget includes \$1 billion in new mandatory funding over two years to expand access to treatment for prescription drug abuse and heroin use, as well as approximately \$500 million to continue and build on current efforts across DOJ and HHS

Sources: National Journal Research 2016, Jordain Carney, “Senate passes opioid abuse bill,” The Hill, March 10, 2016; Nadia Kounang, “Obama Announces New Moves to Fight Opioid and Heroin Abuse Epidemic,” CNN, March 29, 2016; White House Office of the Press Secretary, “FACT SHEET: President Obama Proposes \$1.1 billion in New Funding to Address the Prescription Opioid Abuse and Heroin Use Epidemic,” Press Release, Feb 2, 2016; SAMHSA, “Drug Addiction Treatment Act of 2000;” Steven Mufson and Katie Zezima, “Obama announces new steps to combat heroin, prescription drug abuse,” Washington Post, Oct 21, 2015 Noun Project, David Courcy.





# 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 114<sup>th</sup> Congress

- 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. 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 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

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.