

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

**May 4, 2016**

**Producers:** Katharine Conlon, Alexander Perry,  
Christine Yan, Justin Brown, Owen Minott,  
Ben Booker, Emilia Varrone, and Claire Carter

**Director:** Afzal Bari



# A Guide to This Legislative Forecast

## Issues Covered in This Month's Legislative Forecast

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- Affordable Care Act
- Appropriations
- Chemical Reform
- Conflict in Iraq and Syria
- Criminal Justice Reform
- Cybersecurity
- Defense Appropriations
- Energy and Environment
- International Trade\*
- Mental Health
- Opioid Abuse and Heroin Epidemic
- Puerto Rico Bailout
- Zika Funding

*\*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
- Elementary and Secondary Education
- Tax Reform

*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	<b>Opioids:</b> House declared "Opioid Week"  <b>Approps:</b> House to start considering spending bills					<b>Beginning of FY17</b>		

**Possible Actions, Timing Unknown**

**Affordable Care Act:** SCOTUS decision on *Zubik v. Burwell*

**Cybersecurity:** Senate Intelligence Committee to release draft encryption legislation

**Energy:** Congress hopes to bring comprehensive energy bill to president's desk by July

**International Trade:** Congressional vote on TPP

**Mental Health Reform:** Congressional consideration of Mental Health Reform Act of 2015

**Puerto Rico Debt:** SCOTUS decision on Puerto Rico's debt law

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 the 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, Veto Upheld:** Both chambers of Congress passed the Restoring Americans' Healthcare Freedom Reconciliation Act of 2015, marking the first time Congress sent a repeal of the ACA to the president's desk. As expected, the president vetoed the measure and the House failed to reach the two-thirds threshold needed to override the veto.

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

- 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
- In the coming months, House Speaker Paul Ryan (R-WI) expects to release a conservative policy agenda that will reportedly include the first leadership-endorsed plan to replace the ACA; one proposal that was recently floated involves establishing health insurance pools of high-risk patients to lower premiums for those who are relatively healthier

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; Scotusblog, "Zubik v. Burwell," 2016; Kelsey Snell and Mike DeBonis, "Inside Paul Ryan's Quest to Set the Republican Agenda," Washington Post, April 21, 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 still attempting to pass a budget
- Appropriations Chairman Hal Rogers (R-KY) plans to bring spending bills to the floor starting May 15 even if a budget agreement is not reached in the House
- 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 Bresnahan, “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; John Bresnahan and Rachel Bade, “Ryan calls members-only meeting to hash out budget,” Politico, April 29, 2016.



# Chemical Reform

## Timeline of Key Recent Federal Actions on Chemical Reform

2009

○

**Obama Administration Outlines Principles for TSCA Reform**  
Administrator Lisa Jackson announced principles to guide Congress in writing a new chemical management law to revise Toxic Substance Control Act. Principles include, reviewing all chemicals against safety standards based on considerations of risk, include considerations of groups with higher vulnerabilities, and giving EPA authority to act on chemicals that fall short of standards.

2010

○

**First Safe Chemicals Act Introduced**  
Senator Frank Lautenberg introduces the act as a bill to update TSCA to ensure risks from chemicals are fully understood. He will reintroduce legislation in 2011, 2012, and 2013 but none of them move past committee.

June 2015

○

**House Passes TSCA Modernization Act of 2015**  
The bill would amend TSCA to allow the EPA to evaluate and regulate toxic chemicals and allow the EPA impose fees to regulate chemicals. Further, it included all 6 principles to a certain extent that had been outlined by the administration. The bill was passed with only a single opposition vote.

Dec. 2015

○

**TSCA Modernization Act of 2015 Passes Senate With Changes**  
With major changes and an amendment to further specify the testing methods for chemical substances the bill passed the Senate and will need to be conferenced with the House in order to rectify changes before being sent to the President.

January 2016

○

**EPA Expresses a Preference for the Senate Bill**  
While applauding both bills as making progress towards reform, EPA sent a letter to lawmakers expressing that the Senate bill achieved setting deadlines for EPA action, funding the EPA's activities, investigating how newly developed chemicals should be treated, and eliminating the clause for pursuing "the least burdensome" regulations.

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

- **Discussions between the House and Senate leadership began earlier this year** in reference to reconciling differences in the bills.
- In early 2016, 12 State Attorney Generals submitted their approval of the bill with edits for the conference members to consider.
- **A conference committee meeting is likely to be scheduled after the summer recess**, Senator Udall, who introduced the bill has stated that he remains optimistic that the bill will be passed without difficulty.

Sources: Lisa Jackson, "Remarks Prepared to the Commonwealth Club of San Francisco," EPA, September 29, 2009; Timothy Cama, "EPA Largely Prefers Senate's Chemical Safety Bill," The Hill, March 3, 2016; GovTrack, "Text of TSCA Modernization Act of 2015," December 17, 2015; Chemical Watch, "Udall: 'Confident' TSCA Reform Will Be Passed This Year," 2 March, 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

○

**Partial 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 use of Rule 14, a 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.
- The ceasefire agreement has had varying degrees of impact across Syria. According to Secy. Kerry, "it has frayed in certain areas, and it has fallen completely in a few areas."
- Negotiations are underway to extend the fragile agreement to the embattled Syrian city Aleppo

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; Anne Barnard and Sewell Chan, "Talks on Syria Seek to Extend Fragile Truce to Aleppo," The New York Times, May 2, 2016.



# Criminal Justice Reform

## Timeline of Key Recent Federal Actions on Criminal Justice Reform

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.

April 2016

○

Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015: Senators reveal a compromise bill with revisions to sway other Senators that were opposed of the original write up of the bill in February.

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

- Supporters of the bill in the Senate Judiciary Committee must now persuade Majority Leader Mitch McConnell (R-KY) to take up the legislation this year.
- 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,” 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; Seung Min, Kim, “Compromise Struck on Criminal Justice Reform,” Politico, April 28, 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) have been working on legislation that would require tech companies to comply with government requests for locked data. A draft was released to the public that has been criticized for being "sloppy" and overreaching.
- The Email Privacy Act passed the House by a vote of 419-0 but has an uncertain fate in the Senate. The main goal of the bill is to close loopholes, ensuring law enforcement gets a warrant before forcing tech companies to hand over customers' emails or other electronic communications.
- The 2017 National Defense Authorization Act, which cleared a House committee in late April, hopes to elevate and strengthen Cyber Command by separating the division from the NSA.

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; 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; Ryan Hagemann and Andrew Chang, "Encryption Showdown: Burr-Feinstein vs McCaul-Warner," *The Hill*, April 25, 2016; Cory Bennett "Defense Authorization Bill Would Elevate Cyber Command," *The Hill*, April 28, 2016; Mario Trujillo, "House Unanimously Passes Email Privacy Bill," *The Hill*, April 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 114<sup>th</sup> Congress

- The 2017 defense authorization bill passed the House Armed Services Committee in late April by a vote of 60-2.
- The new bill was highlighted by a move to elevate and strengthen Cyber Command, a nod to the rapid expansion of cyber warfare in international conflicts.

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; Cory Bennett "Defense Authorization Bill Would Elevate Cyber Command," *The Hill*, April 28, 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.
- 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.
- 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 rejected Atlantic Coast drilling plan:** The BLM 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:** The BLM started its review of coal use on public lands while a moratorium is on public land coal permits.
- Apr. 2016 ○ **House and Senate Appropriations Committee Pass Energy and Water Appropriations Bills:** Bills funding Department of Energy, Army Corps of Engineers and other agencies passed committees and awaits approval in both full chambers.
- Apr. 2016 ○ **Senate Passed S.1012, "Energy Policy Modernization Act of 2016:** The Senate passed a comprehensive energy bill that reforms LNG exports, increases grid security, and permanently reauthorizes the LWCF among other things.
- Apr. 2016 ○ **U.S. signed Paris Climate Agreement:** Secretary of State John Kerry signed the most extensive climate change agreement in history. Since it is not a treaty, there is no need for Senate approval.

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

- Both the House and the Senate have passed a comprehensive energy bill. The next step is to reconcile them and submit one bill to the president's desk. However there are a few challenges: (1) coordinating between the Senate and House to meet on the bill during a very sparse legislative calendar, (2) potential inertia because of the presidential election season and (3) the House bill is much more partisan in nature making it harder to reconcile it to the more bipartisan Senate version.
- The Senate Energy and Water Appropriations Bill has been delayed because of an Iran-related amendment being attached. The bill should be expected to move forward eventually, but expect for continued delays as the House and Senate work to pass and reconcile their two respective versions

Sources: 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; Office of Management and Budget; 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; Doyle Rice, "175 Nations Sign Historic Paris Climate Deal on Earth Day," USA Today, April 22, 2016; Senate Appropriation; Kyle Feldscher, "Senate Passes Energy Bill with Huge Bipartisan Support," Washington Examiner, April 20, 2016; Senate Appropriations Committee; House Appropriations Committee



# 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.

Feb 2015

○

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.

Feb 2016

○

Trade Facilitation and Trade Enforcement Act of 2015: Congress passed a reauthorization of the Trade Facilitation and Trade Enforcement Act and it was signed into law.

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

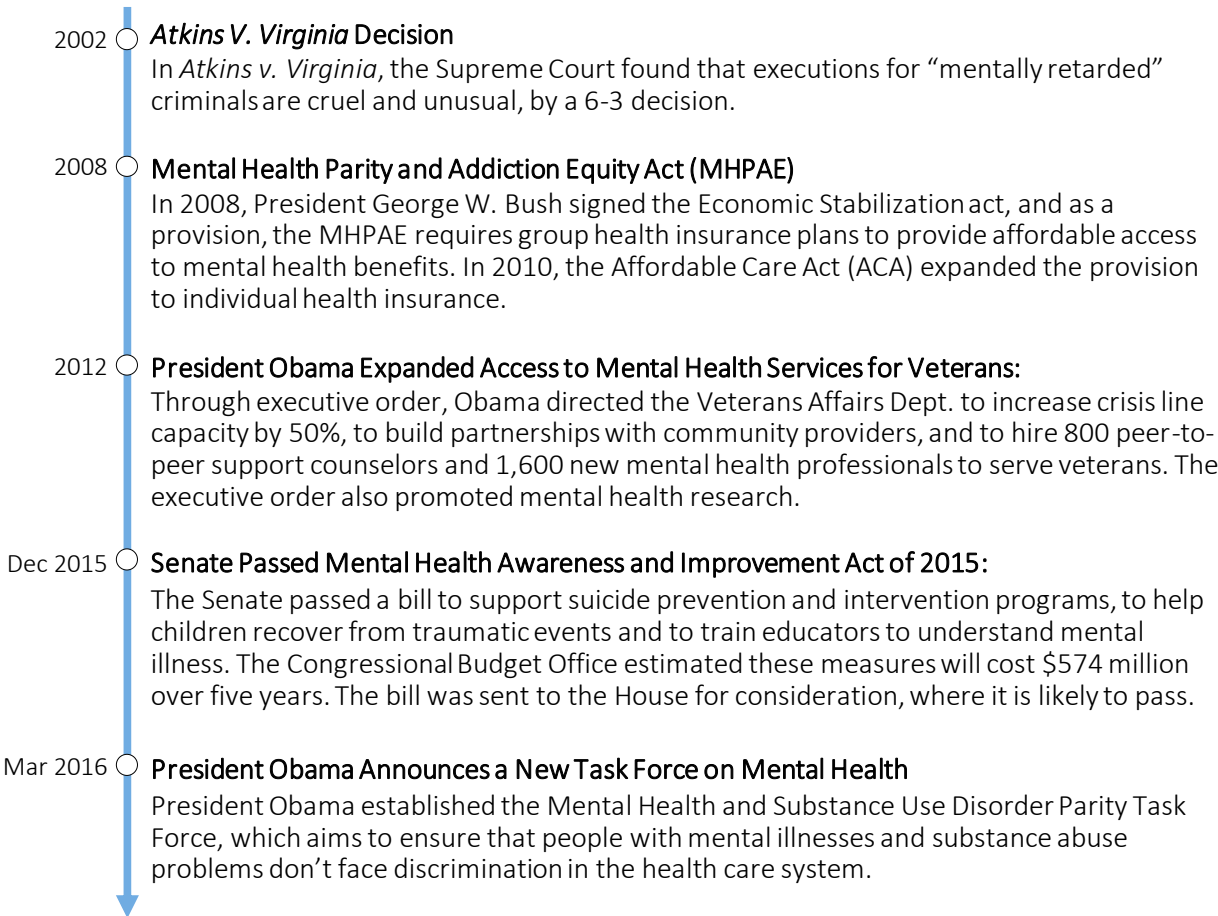
- President Obama’s Trade Promotion Authority makes it more likely that the Trans-Pacific Partnership will be supported by a majority vote in both chambers; however, the deal will likely face opposition from labor unions and other groups, as well as members of both parties in Congress.
- Congress is 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: 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



## 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
- The HELP committee reported **The Mental Health Reform Act of 2016** out of committee. 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. The bill is on the Senate legislative calendar.

Sources: Oyez, IIT Chicago-Kent School of Law, June, 2002; “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; “Senate Health Committee Passes Alexander, Murray, Cassidy, Murphy Legislation to Help Address Mental Health Crisis in America”, US Senate Committee on HELP, March 16, 2016; Coleen Barry et al., A Political History of Federal Mental Health and Addiction Insurance Parity, Milbank Q., September 2010.



# 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 Improve 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 falling 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

○

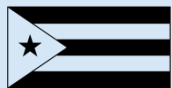
**White House Announces Expanded Initiatives, Doubles Patient Limit to 200:** The President announced a package of initiatives to expand medication-assisted treatment for opioid addiction (MAT) and increase coverage for mental health and substance abuse services. Among the initiatives is an HHS rule to allow qualified physicians to prescribe addiction-fighting drugs to 200 patients at a time.

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

- 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
- House Majority Leader Kevin McCarthy (R-CA) declared the week of May 9, when the House returns from a weeklong recess, “Opioid Week” - the plan is to put a package of bills on the floor, a number of which passed committee
- Republican senators have expressed concern over the House bill, which reduces the number of grant programs and gives states and localities more freedom in how they use federal funds - some fear this would lead some important initiatives to be neglected

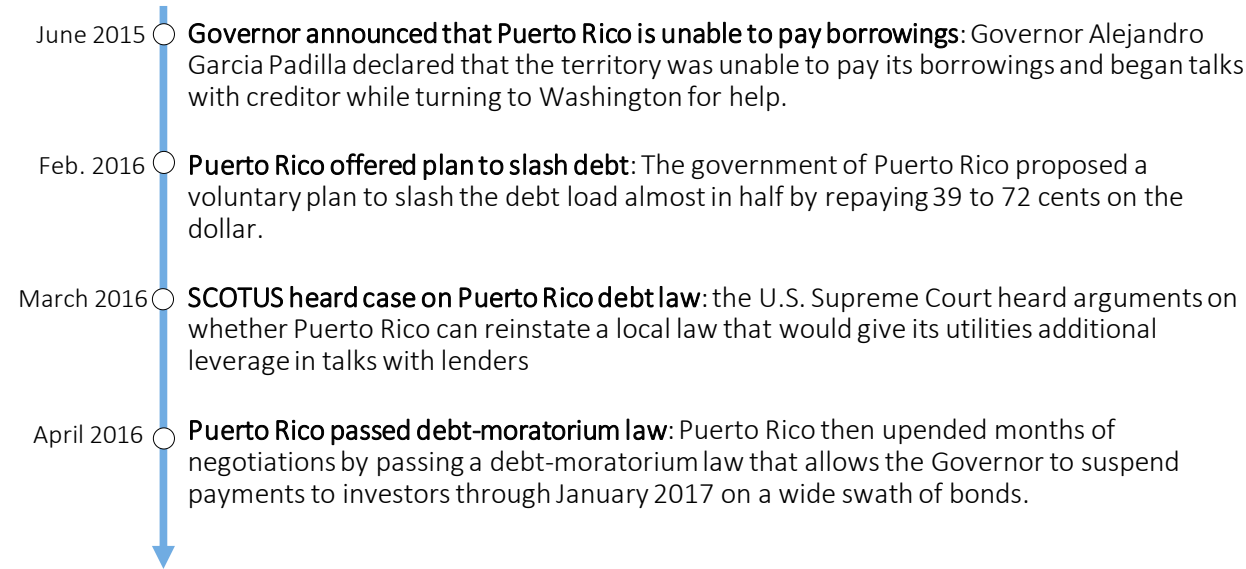
Sources: National Journal Research 2016, Jordain Carney, “Senate passes opioid abuse bill,” The Hill, March 10, 2016; Nadia Kounang, “Obama Announces New Moves to Fight Opioid and Heroin Abuse Epidemic,” CNN, March 29, 2016; White House Office of the Press Secretary, “FACT SHEET: President Obama Proposes \$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 Courey; Karoun Demirjian, “Did the House Weaken the Senate’s Drug Abuse Bill? Rob Portman Thinks So,” The Washington Post, April 27, 2016; Mary Ellen McIntire, “House Panel Get Set for ‘Opioid Week’ in Marathon Sessions,” Morning Consult, April 28, 2016.





# Puerto Rico Bailout

## Timeline of Key Recent Federal Actions on Puerto Rico’s Debt Crisis



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

- Congress is struggling to pass a bill that could allow Puerto Rico to restructure its debt and implement a federal oversight board that would weigh in on the commonwealth’s budgets. Paul Ryan has made legislation to resolve Puerto Rico’s debt crisis a priority.
- The Supreme Court is likely to make a decision about the Puerto Rico debt law by June.

Sources: Michelle Kaske and Martin Braun, “Puerto Rico’s Slide,” Bloomberg, May 3, 2016; Billy House, “Ryan’s Biggest Test Yet: Saving Puerto Rico From Congress,” Bloomberg Politics, April 25, 2016; Michael Corkery and Mary Williams Walsh, “Puerto Rico’s Governor Says Island’s Debts Are ‘Not Payable’” The New York Times, June 28, 2015; Brian Chappatta, Michelle Kaske and Steven Dennis, “Puerto Rico Invites Chaos as Debt Moratorium Upends Progress,” Bloomberg, April 6, 2016. Image from the Noun Project, Aldric Rodríguez Iborra.



# Zika Funding

## Timeline of Key Recent Federal Actions on Zika Funding

Spring 2015

Brazil Reports Virus to WHO:  
Zika has been known in Africa and French Polynesia since 1947. In early March 2015, Brazilian health providers reported 7000 cases illness with a skin rash. Brazilian researchers identified the illness as Zika in April of 2015

Fall 2015

Increase in Microcephaly Reported:  
By late October, Brazil reports an unusual increase in the number of cases of microcephaly among newborns since August. November 11, Brazil declares a national public health emergency. Zika is increasingly found in neighboring countries. The first locally acquired case in the US is found in December in Puerto Rico.

Feb 2015

WHO declares Public Health Emergency of International Concern  
WHO declares public health emergency and taps into the \$15 million dollar emergency fund to combat the outbreak. Some officials in Latin American countries recommend that women not get pregnant for a year or more.

April 2016

Administration Moves Funding from Ebola, Congress Passes Priority Voucher Bill  
President Obama requested \$1.9 billion dollars for Zika research and prevention in February 2016. In absence of Congressional action, the administration moved \$510 million from Ebola response and prevention, and another \$75 million from other efforts. Congress passes a bill making Zika eligible for priority voucher.

April 2016

CDC, WHO Conclude Causal Relationship between Zika and Birth Defects  
In a review for The New England Journal of Medicine, the CDC published their conclusion that the evidence indicates that there is a causal relationship between Zika and neurological abnormalities. WHO announces scientific consensus on a link between microcephaly and the Zika virus.

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

- House Democrats introduced a bill to increase Zika funding by \$1.6 billion entitled **Making Supplemental Appropriations for Fiscal Year 2016 to Respond to Zika Virus**. With Congress in recess this week, the bill is unlikely to pass; however, there is a growing bipartisan effort to increase Zika funding.

Sources: Toni Clarke, "Congress Sends Obama Bill on Zika Drug Development", Reuters, April 12, 2016; Rae Ellen Bichell, "Zika Virus: What Happened When", NPR, February 10, 2016; Michaela Doucette, "Zika is Linked to Microcephaly, Health Agencies Confirm", NPR, March 31, 2016; Brady Dennis, "Obama Asks Congress for \$1.9 Billion to Combat Spread of Zika Virus", the Washington Post, February 22, 2016; Rae Ellen Bichell, "White House Says it Will Cut Ebola Funding to Address Zika", NPR, April 6, 2016; Jason Beaubien, "WHO: Birth Defect Linked to Zika Virus is 'Public Health Emergency'", NPR, February 1, 2016; Mary Kindhauser et al., "Zika: The Origin and Spread of a Mosquito Borne Virus", WHO, February 7, 2016; Edward Boatman, Noun Project, May 3, 2016; Sonja Rasmussen et al., "Zika Virus and Birth Defects - Reviewing the Evidence for Causality", New England Journal of Medicine, April 13, 2016.