

Legislative Forecast for the 114th Congress

June 1, 2016

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A Guide to This Legislative Forecast

Issues Covered in This Month's Legislative Forecast

- Affordable Care Act
- Appropriations
- Chemical Reform
- Conflict in Iraq and Syria
- Criminal Justice Reform*
- Cybersecurity
- Defense Appropriations
- Energy and Environment
- Federal Reserve
- International Trade
- LGBT Rights
- 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)

- 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 114th Congress

Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
	Approps: President's FY16 Budget Request Iraq & Syria: Partial ceasefire went into effect		Approps: Senate plans to consider individual appropriations bills, pending cooperation with budget committee Energy & Environment: President expected to sign Paris Climate Treaty	Opioids: House declared "Opioid Week" Approps: House to start considering spending bills	Zika: Expected conference committee TSCA: Bill expected to be sent to president by end of the month				Beginning of FY17		

Possible Actions, Timing Unknown

- Criminal Justice Reform:** Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015 is expected to pass by the end of the year
- Defense Appropriations:** Senate is expected to vote on NDAA sometime in the early summer
- Energy:** Congress hopes to bring comprehensive energy bill to president's desk by July
- International Trade:** Congressional vote on TPP
- LGBT Rights:** Rep. Maloney (D-NY) expected to reintroduce anti-discrimination amendment
- Mental Health Reform:** Congressional consideration of Mental Health Reform Act of 2015 expected early this summer
- Opioid Epidemic:** House and Senate to begin conference negotiations on comprehensive opioid legislation
- 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.
- 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 struck repeals the automatic-enrollment provision of the ACA, which forces 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.
- Jan 2016 ○ ***House v. Burwell* Decision:** In a win for House Republicans, a federal judge ruled that the Obama administration has been improperly funding cost-sharing subsidies for low-income Americans. The ruling claimed that Congress authorized the program but never appropriated the money. If these subsidies are eliminated, insurance premiums would likely rise to make up for the loss. The administration is expected to appeal.

Potential Actions in 114th Congress

- The Supreme Court decided to remand *Zubik v. Burwell* to the lower courts, effectively delaying a decision on whether the contraceptive-coverage mandate and its 'accommodation' to the Religious Freedom Restoration Act is constitutional. Prior to reaching the Supreme Court, five appeals courts ruled in favor of the mandate, and one ruled against.
- 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 Ferrehio, "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, "McCormack 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; Jennifer Haberkorn, "GOP Wins Obamacare Lawsuit," Politico, May 12, 2016; Lyle Denniston, "Opinion Analysis: A Compromise, With Real Impact, on Birth Control," SCOTUSblog, May 16, 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

- The House Budget Committee approved a budget resolution, but some House conservatives, including the Freedom Caucus, opposed 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
- Spending bills have been brought to the floor even though a budget agreement was not reached in the House, but the failure of an energy appropriations bill due to an LGBT amendment could mean the end of the appropriations process
- 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; John Bresnahan and Rachel Bade, “Ryan calls members-only meeting to hash out budget,” Politico, April 29, 2016; James Arkin, “LGBT Issues Sink House Appropriations Bill,” May 26, 2016.



Conflict in Iraq and Syria

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

- 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 27th. The ceasefire does not prohibit attacks on ISIS or other UN designated terrorist organizations.
- May 2016 ○ **Congressional Defense Bills Authorize and Appropriate Funds for Training Iraq Army, Kurdish Peshmerga and Vetted Syrian Opposition:** Both the Senate and House authorization and appropriations bill seek around \$1 billion for training forces fighting against ISIL. The bills also demand studies be taken about the feasibility of a no-fly zone in Syria.

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.
- The ceasefire has had difficulty taking hold because the Syrian government and Russia have targeted areas where Syrian opposition forces are present. Consequently, the Syrian chief Syrian opposition negotiator to the peace talks resigned this past week.
- Iraqi forces have begun operations to take Fallujah, one of the largest Iraqi cities held by ISIL. The U.S. has continued to support these operations, but has **depleted its stockpile of precision guided ordinance**. The Pentagon has taken steps to purchase more bombs, but Congress will eventually need to appropriate more funds so the U.S. can continue to conduct precision airstrikes against ISIL.

Sources: 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; 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; Conor Gaffey, "Syria Peace Talks in Jeopardy As Chief Rebel Negotiator Quits," *Newsweek*, May 30, 2016; Ben Watson and Bradley Pentison, "The D Brief," *Defense One*, June 1, 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 114th 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,” 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; Seung Min, Kim, “Compromise Struck on Criminal Justice Reform,” Politico, April 28, 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.

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.

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.

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.

Jan. 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 their support.

May 19, 2016 ○ Lawmakers create TSCA Reform Deal in Conference

Congress reached a bipartisan agreement in reconciling the differences in the two bills passed specifying certain powers for the EPA while giving certainty to the chemical industry.

May 24, 2016 ○ House Passes Final Bill

With an overwhelming majority of 403-12.

Potential Actions in 114th Congress

- The bill now waits for approval of the Senate before it can reach the President, but Sen. Rand Paul has delayed the vote after stating that he needed time to read the bill.

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; Asha Glover, "House Overwhelmingly Passes TSCA Overhaul," May 24, 2016; Congress.gov, "H.R. 2572;" Juliet Eilperinand Darryl Fears, "Congress is Overhauling an Outdated Law that Affects Nearly Every Product You Own," Washington Post, May 19, 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

- Draft legislation put forth by Senators Richard Burr (R-NC) and Dianne Feinstein (D-CA) has been put on hold as support for the bill has eroded. The bill sought to require tech companies to comply with government requests on encrypted data.
- 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.
- Several new cybersecurity bills have been proposed throughout the month of May in both the Senate and the House signaling renewed interest in cybersecurity issues, however most are controversial and have shown few signs of meaningful progress towards passage.

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; 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; Dustin Volz, Mark Hosenball and Joseph Menn, "Push for Encryption Law Falts Despite Apple Case Spotlight," *Reuters*, May 27, 2016.



Defense Appropriations

Timeline of Key Recent Federal Actions on Defense

- 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.
- May 2016 ○ **House Passed H.R. 4909: National Defense Authorization Act For Fiscal Year 2017; Obama Threatened to Veto the Provision:** In a 277-147 vote, the House of Representatives passed the NDAA for FY2017. It authorized \$543 billion in base discretionary funding and \$59 billion in OCO funds. The White House threatened to veto House NDAA because \$23 billion in OCO funds are for base funding, which would result in overseas operations only being funded through April 2017.
- May 2016 ○ **Senate Armed Services Committee Reported S. 2943, NDAA For FY 2017 to Senate Floor:** The Senate Armed Services Committee NDAA provided \$543 billion in base discretionary funding and \$59 billion in OCO funds. Unlike the House version, the Senate fully funds overseas and contingency operations through FY 2017.
- May 2016 ○ **House Appropriations Committee Reported H.R. 5923: National Defense Appropriations For Fiscal Year 2017, to the House floor:** The bill appropriated \$517 billion for base spending and \$59 billion for OCO funds. Like the House NDAA, the House defense appropriations bill did not fully fund overseas contingency and would run out of funds in April 2017.
- May 2016 ○ **Senate Appropriations Committee Approved FY 2017 Defense Appropriations Bill:** The Senate Appropriations bill provided \$516 billion in base spending and \$59 billion in OCO funds. Senate version fully funds overseas contingency operations.

Potential Actions in 114th Congress

- When the Senate returns from recess next week, they will take up the NDAA. The Senate Armed Services Committee Chairman, John McCain, has been pushing for an additional \$17 billion in base funds. Although unlikely to pass, the introduced amendment might delay NDAA passage and bring up old debates about the bipartisan budget agreement that set defense and non-defense discretionary spending.
- President Obama's threat to veto the House defense authorization and appropriations bills because of the reduced OCO funding has caused a stir in the legislative appropriations process. As the Senate gets closer to passing its NDAA, there will be a need to reconcile these major funding discrepancies if Congress hopes to pass a bill palatable for the White House.

Sources: 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; Rebecca Kheel, "McCain Files \$17B Amendment To Boost Defense Spending," The Hill, May 26, 2016; U.S. Senate Armed Services Committee, "National Defense Authorization Act For Fiscal Year 2017 Report," May 12, 2016; House Armed Services Committee, "H.R. Report 114-537: National Defense Authorization Act of Fiscal Year 2017: Report of the Committee on Armed Services on H.R. 4909," May 4, 2016; Kristina Wong, "White House Issues Veto Threat Over House Defense Policy Bill," The Hill, May 16, 2016; House Appropriations Subcommittee on Defense, "House Appropriations Committee Releases the Fiscal Year 2017 Defense Bill," May 10, 2016; Senate Appropriations Committee, "S. Report-114-263: Department of Defense Appropriations Bill," May 26, 2016.



Energy and Environment

Timeline of Key Recent Federal Actions on Energy

- 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.
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.
Senate Passed S.2012, “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.
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.
- May 12, 2016 ○ **Senate Passes Energy and Water Development Appropriations**
Provides \$355 million more than FY2016 levels and \$261 million more than the President’s Budget Request
- May 25, 2016 ○ **House Passes S.2012, “Energy Policy Modernization Act of 2016”:**
House passed the bill with changes including the absence of permanent funding for the Land and Water Conservation Fund.

Potential Actions in 114th Congress

- Both the House and the Senate have passed the same version of a comprehensive energy bill. The next step is to reconcile small differences in 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 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 once the House passes a version of the bill.

Sources: “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; Asha Glover, “Energy and Water Appropriations Bill Passed by Senate,” Morning Consult, May 12, 2016.



Federal Reserve

Timeline of Key Recent Legislative Actions on the Federal Reserve

- Nov 2015 ○ **The Federal Oversight Reform and Modernization Act (H.R. 3189) Passed the House:** H.R. 3189 passed the House with a vote of 241 to 185 mostly along party lines. The bill amends the Federal Reserve Act by establishing requirements for policy rules and blackout periods of the Federal Open Market Committee, establishes requirements for certain activities of the Board of Governors, and amends title 31 of the US Code to reform the manner in which the Board of Governors is audited and for other purposes.
- July 2015 ○ **The Financial Regulatory Improvement Act (S.1484) Referred to the Senate Banking, Housing, and Urban Affairs Committee:** The Senate reported and held hearings for S.1484 in the Senate Banking, Housing, and Urban Affairs Committee. The bill attempts to create more accountability and transparency within the US financial regulatory system by requiring the President to nominate the President of the New York Federal Reserve and have him confirmed by the Senate, and would require the interest rates paid by the banks to be determined by the Federal Open Market Committee rather than the Board of Governors.
- Jan 2016 ○ **The Senate voted to not invoke cloture on the Federal Reserve Transparency Act of 2015 (S. 2232):** The Senate failed to invoke cloture on S.2232 thus allowing for debate on the bill to continue indefinitely. The bill requires a full audit of the Board of Governors and the Federal Reserve by the Comptroller General and for other purposes.
- May 2016 ○ **The House Committee on Government Oversight and Reform Reported the Federal Reserve Transparency Act of 2015 (H.R. 24) in the Favor.** The House Oversight Committee reported H.R. 24 favorably by a voice vote. The bill requires the full audit of the Board of Governors and the Federal Reserve by the Comptroller General of the United States and for other purposes.

Potential Actions in 114th Congress

- With appropriation season in full swing, Senate Leader Mitch McConnell has prioritized passing spending bills without “poison-pill” riders. Due to the partisan divide on these issues, McConnell decided to not bring them to the Senate floor for a vote or add them to the omnibus package
- While H.R. 3189 passed the House and H.R. 24 made it through committee, House Speaker Paul Ryan has noted that the House agenda is currently prioritizing passing the budget bills and the Puerto Rico relief fund

Sources: The Hill, “Spending Clash Looms for GOP.” June 1, 2016; The Hill, “Path Clears for Passage of Puerto Rico Bill.” May 19, 2016; Congress.gov, “H.R.24- The Federal Reserve Transparency Act of 2015.” May 17, 2016; Congress.gov, “H.R.3189- Fed Oversight Reform and Modernization Act of 2015.” December 17, 2015; Congress.gov, “S.1484- The Financial Regulatory Improvement Act of 2015”. June 23, 2015; Congress.gov, “S.2232- The Federal Reserve Transparency Act of 2015.” January 12, 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.
- 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.
- May 2016 ○ **President Obama Visits Vietnam:** At the top of the President’s agenda for Vietnam, was the TPP. Vietnam is the poorest and only non-democratic country of the signatories for the agreement. The administration views Vietnam’s inclusion in TPP as a victory for free trade. While in Vietnam, President Obama announced the lifting of the weapons embargo.

Potential Actions in 114th Congress

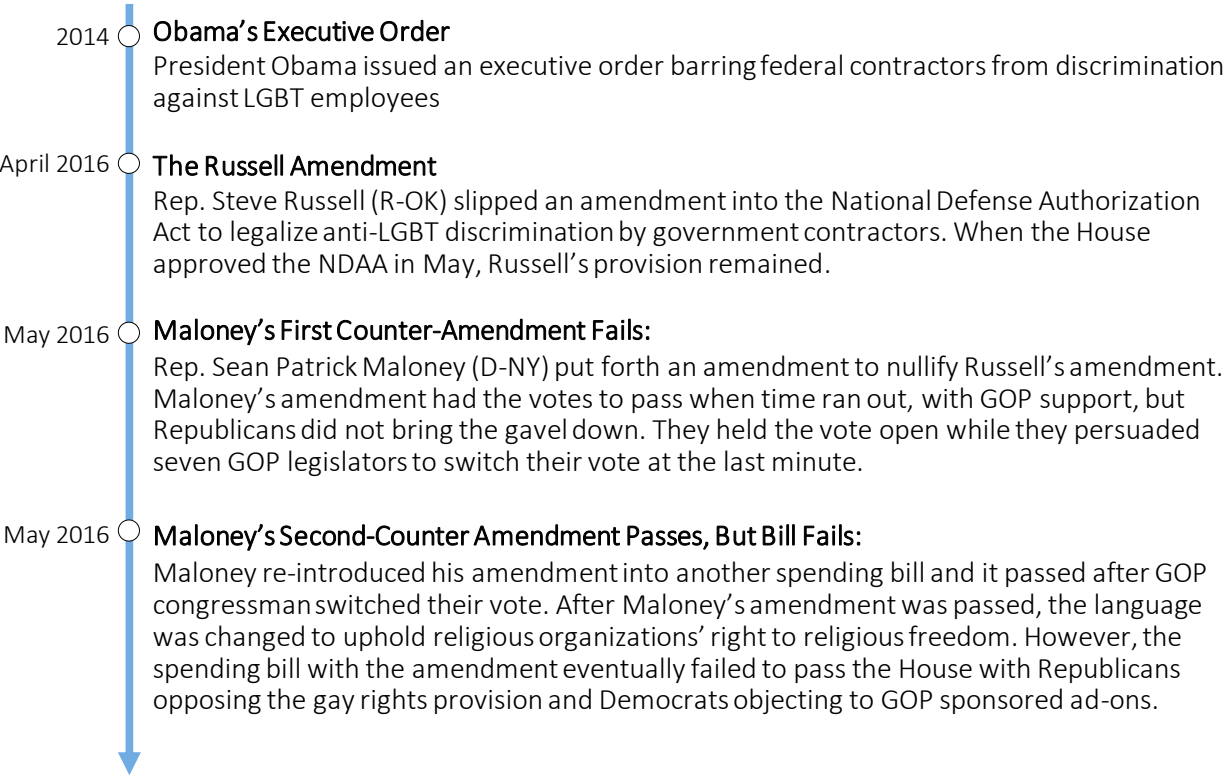
- President Obama’s Trade Promotion Authority makes it more likely that the Trans-Pacific Partnership will be supported by a majority vote in both chambers; however, the deal will likely face opposition from labor unions and other groups, as well as members of both parties in Congress.
- Congress is 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,” 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 Brevet ti, “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; George E. Condon Jr., “Obama Goes to Vietnam to Make Trade, Not War,” National Journal, May 20, 2016.



LGBT Rights

Timeline of Key Recent Federal Actions on LGBT Rights



Potential Actions in 114th Congress

- The Equality Act, a bill that establishes federal protections against discrimination based on sexual orientation or gender identity, lacks enough GOP support to pass either House, but Democrats have signaled that they will renew a push for the legislation in the near future.
- Rep. Maloney has also said that he will continue to propose an amendment nullifying the Russell amendment.

Sources: Colour Block, The Noun Project; Mark Joseph Stern, “Chaos in the House as Republicans Bend Rules to Save Anti-LGBTQ Bill,” Slate, May 19, 2016; Cristina Marcos and Mike Lillis, “Chaos in House After GOP Votes Down LGBT Measure,” The Hill, May 19, 2016. Rachel Bade and John Bresnahan, “LGBT Fight Sinks House Spending Bill,” Politico, May 26, 2016; National Journal Research, 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.
- 2008 ○ **Mental Health Parity and Addiction Equity Act (MHPAE)**
In 2008, President George W. Bush signed the Economic Stabilization act, and as a provision, the MHPAE requires group health insurance plans to provide affordable access to mental health benefits. In 2010, the Affordable Care Act (ACA) expanded the provision to individual health insurance.
- 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.
- March 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 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
- 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. The Senators sponsoring the bill hope that the bill will see a floor vote before the August recess. A bill from Senator John Cornyn (R-TX) which involves gun rights and bill financing are holding up the bill. Murphy indicated that IMD exclusion will not be in the floor bill, but that an expansion of the number of states in the federal demo program increasing the number of mental health clinics may be involved.

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; Mary Ellen McIntire, “Senators Working Toward Mental Health Reform Vote Before August Recess,” *Morning Consult*, May 26, 2016.



Opioid Abuse and Heroin Epidemic

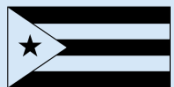
Timeline of Key Recent Federal Actions on the Opioid Abuse and Heroin Epidemic

- 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.
- Mar 2016 ○ **House Passes Package of Opioid Bills:** The House passed 18 pieces of bipartisan legislation to address the opioid drug crisis. The bills aim to combat the epidemic in a number of ways, including helping pregnant mothers who suffer from addiction, increasing access to naloxone, and creating a task force to establish guidelines for prescribing pain medication.

Potential Actions in 114th Congress

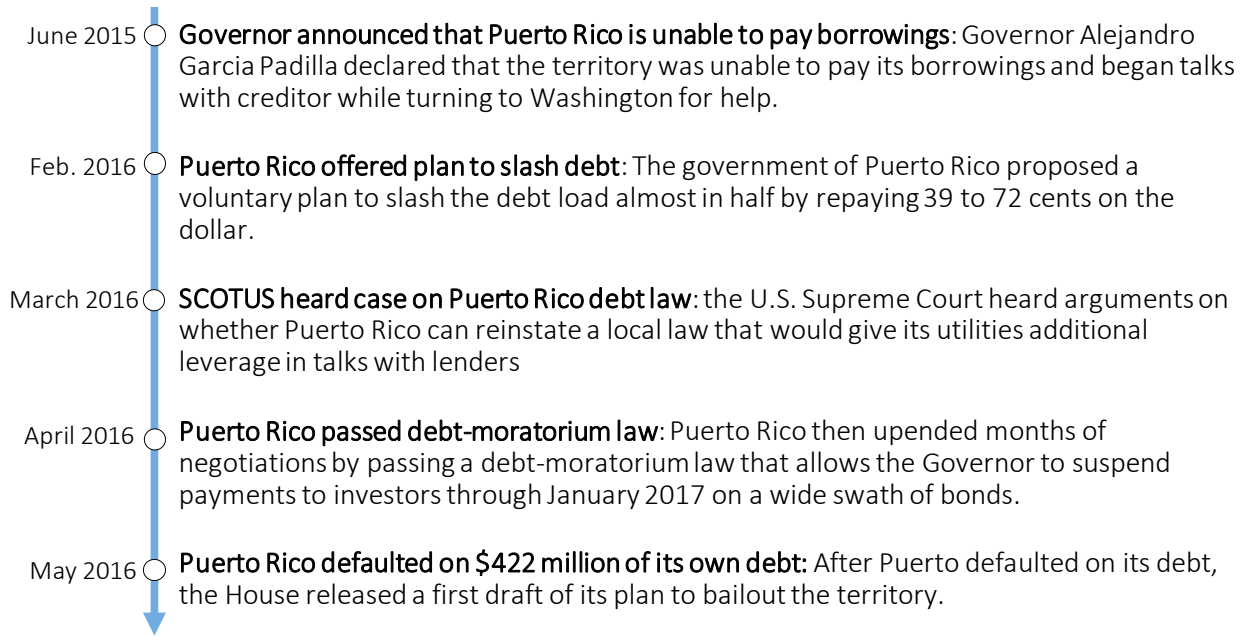
- The House and Senate are expected to create a conference committee to iron out the differences between their measures and send the legislation to President Obama, who is expected to sign it. Issues related to funding the legislative initiatives remain
- The President's FY 2017 Budget includes \$1 billion 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
- In addition, GOP senators have expressed concern over the House bills, which reduce the number of grant programs and gives states and localities more freedom to decide how to 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; James Arkin, "House Passes Bills to Combat Opioid Abuse," *Real Clear Politics*, May 12, 2016.



Puerto Rico Bailout

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



Potential Actions in 114th 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; National Journal Research, 2016.



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 ○ **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.
- May 2016 ○ **House and Senate Pass Separate Bills – Will Go to Conference**
 The House and the Senate passed very different bills. The Senate bill offers \$1.1 billion in funding and treatment, whereas the House’s bill offers \$622 million in funding. Congress went on a two week break without resolving the two bills.

Potential Actions in 114th Congress

- The House and Senate are to conference the Zika bills after the recess. Republicans will likely end up approving more money than the \$622 million in their bill, however they want cuts in other discretionary spending. The House bill as is faces a veto threat from the White House.

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 Doucleff, "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; Sarah Ferris, "House Takes First Step to Merge Zika Bills" The Hill, May 26, 2016.