

Legislative Forecast for the 114th Congress

August 1, 2016

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A Guide to This Legislative Forecast

Issues Covered in This Month's Legislative Forecast

- Affordable Care Act*
- Appropriations
- Conflict in Iraq and Syria
- Criminal Justice Reform*
- Cybersecurity*
- Defense Appropriations
- Energy and Environment
- Federal Reserve*
- Financial Regulation
- Gun Control
- Immigration*
- International Trade
- LGBT Rights*
- Medical Research Funding
- Mental Health
- Opioid Abuse and Heroin Epidemic
- Puerto Rico Bailout
- Tax Reform*
- Technology
- Zika Funding

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

Archived Issues (Major Legislative or Administration Actions in 2015)

- Chemical Reform
- 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

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	Mar	April	May	June	July	Aug	Sep	Oct	Nov	Dec
	Approps: President’s FY16 Budget Request Iraq & Syria: Partial ceasefire went into effect		Approps: Senate started considering individual appropriations bills Energy & Environment: U.S. signed Paris Climate Treaty	Opioids: House declared “Opioid Week” Approps: House started considering spending bills	TSCA: Bill signed into law Puerto Rico: Bill signed into law Immigration: SCOTUS struck down DAPA	Opioid: CARA signed into law	Summer Recess <i>(July 16 – Sep 6)</i> Energy: Staff meetings to discuss energy reform	Energy: energy & water approps bill	Approps: Beginning of FY17		

Possible Actions, Timing Unknown

- Criminal Justice Reform:** Sentencing Reform and Corrections Act of 2015 may pass by the end of the year
- Conflict in Iraq & Syria:** Possible agreement between US and Russia to coordinate strikes against designated terrorist organization in Syria
- Cybersecurity:** possible DHS cyber hub reorganization
- Gun Control:** Following its passage in the House, the Countering Terrorist Radicalization Act is expected to receive vote in Senate; it is expected to pass
- International Trade:** Congressional vote on TPP to happen after November election, if at all
- LGBT Rights:** Rep. Maloney (D-NY) expected to reintroduce anti-discrimination amendment
- Medical Research Funding:** The Senate will discuss companion legislation to the House’s 21st Century Cures Act
- Mental Health Reform:** Congressional consideration of Mental Health Reform Act of 2015 could happen in September
- Zika:** With Zika spreading to the continental US, pressure is mounting to pass funding to combat the virus

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

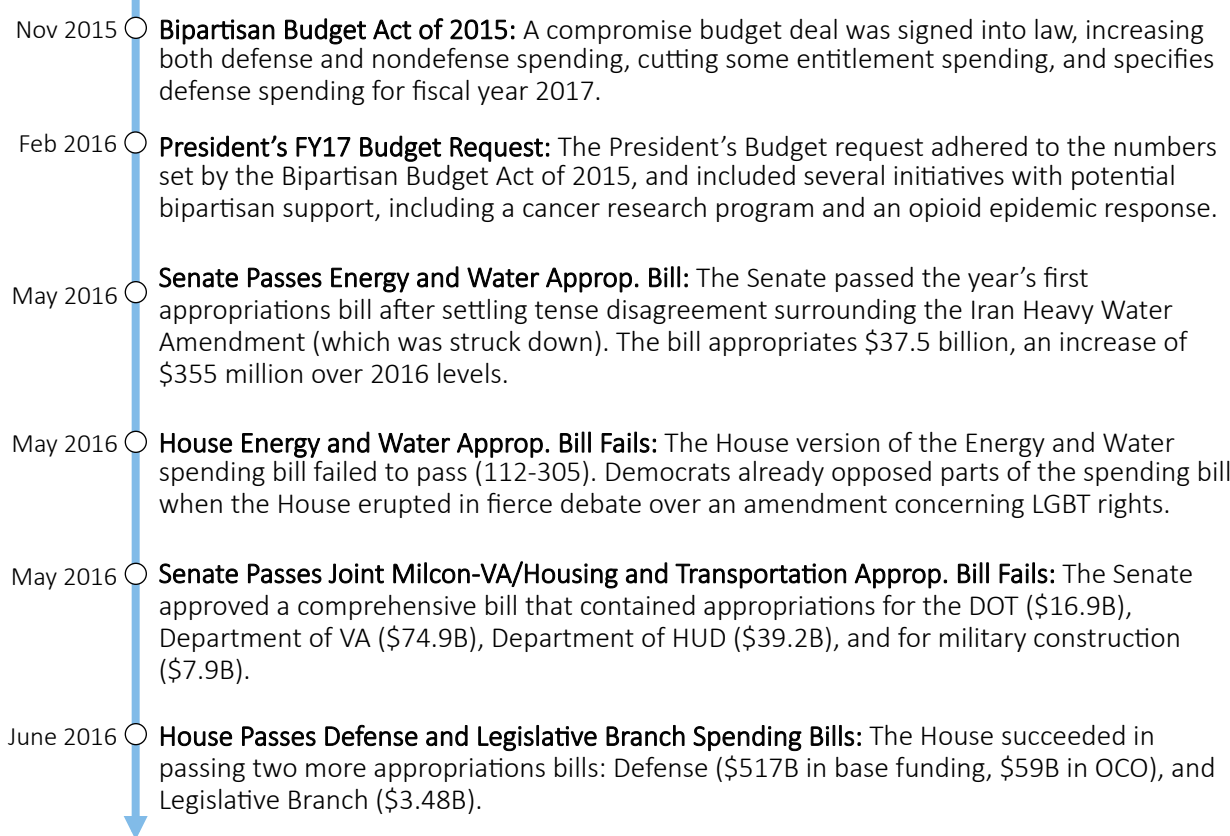
- The Supreme Court decided to remand *Zubik v. Burwell* to the lower courts, effectively delaying a decision on whether the contraceptive-coverage mandate and its 'accommodation' to the Religious Freedom Restoration Act is constitutional. Prior to reaching the Supreme Court, five appeals courts ruled in favor of the mandate, and one ruled against.
- House Speaker Paul Ryan (R-WI) released the first leadership-endorsed plan to replace the ACA called, "A Better Way to Fix Health Care"
- Proposals in the GOP health policy agenda include, a refundable tax credit for individual health care plans, allowing consumers to purchase health insurance across state lines, and fund high risk insurance pools.

For more on Speaker Ryan's Health Reform Agenda, see this [presentation](#)

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; 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



A vertical timeline with a blue line and circular markers. The timeline lists six key events from November 2015 to June 2016. The text for each event is to the right of the marker.

- Nov 2015 ○ **Bipartisan Budget Act of 2015:** A compromise budget deal was signed into law, increasing both defense and nondefense spending, cutting some entitlement spending, and specifies defense spending for fiscal year 2017.
- 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.
- May 2016 ○ **Senate Passes Energy and Water Approp. Bill:** The Senate passed the year's first appropriations bill after settling tense disagreement surrounding the Iran Heavy Water Amendment (which was struck down). The bill appropriates \$37.5 billion, an increase of \$355 million over 2016 levels.
- May 2016 ○ **House Energy and Water Approp. Bill Fails:** The House version of the Energy and Water spending bill failed to pass (112-305). Democrats already opposed parts of the spending bill when the House erupted in fierce debate over an amendment concerning LGBT rights.
- May 2016 ○ **Senate Passes Joint MilCon-VA/Housing and Transportation Approp. Bill Fails:** The Senate approved a comprehensive bill that contained appropriations for the DOT (\$16.9B), Department of VA (\$74.9B), Department of HUD (\$39.2B), and for military construction (\$7.9B).
- June 2016 ○ **House Passes Defense and Legislative Branch Spending Bills:** The House succeeded in passing two more appropriations bills: Defense (\$517B in base funding, \$59B in OCO), and Legislative Branch (\$3.48B).

Potential Actions in 114th Congress

- The following 3 subcommittees have had their spending bills pass the Senate: Energy & Water, HUD & Transport, and MilCon & VA.
- The following 5 subcommittees have had their spending bills pass the House: Defense, Financial Services, Interior & Environment, MilCon & VA, and Legislative Branch.
- Republican plans for passing all twelve appropriations bills via "regular order" are expected to fall short. Without a pivotal Senate Defense appropriations victory it is likely Congress will need to pass a stopgap bill or omnibus package to continue funding the government past their October 1st deadline.
- All appropriations bills passed their respective committee vote before the long summer recess which lasts from July 16 to September 6.

Source: 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; Jon Reid, "House GOP Mulls Options After More Floor Fireworks," Morning Consult, May 26, 2016; GovTrack, "H.R. 5055: Energy and Water Development and Related Agencies Appropriations Act, 2017," May 26, 2016; Rebecca Kheel, "House Passes \$576B Defense Spending Bill," The Hill, June 16, 2016; Congress.Gov, "Roll Call No. 332," June 16, 2016; U.S. House of Representatives, "Roll Call 266," May 26, 2016; House Appropriations Committee, "FY2017 Legislative Branch Appropriations Bill Released," April 19, 2016; Press Release, "Senate Approves FY17 Funding For the VA, Transportation, and Housing," U.S. Senate Committee on Appropriations, May 19, 2016; Senate Roll Call Votes, Senate.gov, May 2016; Jordan Carney, "Senate Passes Broad Spending Bill With \$1.1B in Zika Funds," The Hill, May 19, 2016; Press Release, "Senate Approves FY17 Funding For the VA, Transportation, and Housing," U.S. Senate Committee on Appropriations, May 19, 2016; Senate Roll Call Votes, Senate.gov, May 2016; Jordan Carney, "Senate Passes Broad Spending Bill With \$1.1B in Zika Funds," The Hill, May 19, 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.
- 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.
- June 2016 ○ **State Department Employees Issued Dissent; Called For Direct Strikes Against Syrian President Bashar Al-Assad:** 51 State Department officials used a channel to ask for change in official U.S. foreign policy and begin targeted strikes against Assad.
- July 2016 ○ **Sec. of State John Kerry and Russia's Foreign Minister Sergei Lavrov Discuss Coordinating Airstrikes:** The U.S. and Russia began discussing plans to coordinate airstrikes against terrorist organizations like al-Nusra and ISIL.

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 military options
- The U.S. and Russia have begun talks about whether they will set up a Joint Implementation Group (JIG) in order to coordinate air offensives against designated terrorist organizations like Al-Nusra and ISIL. Sec. of Defense As Carter has expressed hesitation about the JIG and whether Russia will actually cooperate.
- Iraqi and U.S. forces are beginning operations to take back Mosul, the largest Iraqi city held by ISIL. Along with the difficulties posed by the operation itself, there are concerns ethnic conflict could flare up as Mosul is taken due to the diverse ethnic population of the city.

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; 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; Ben Watson and Bradley Pentison, "The D Brief," Defense One, June 1, 2016; Julian Hattam, "State Stands By Syria Policy Despite Internal Dissent," The Hill, June 17, 2016; Rebecca Kheel, "Report: US Proposes Joint Facility With Russia to Target Al Qaeda in Syria," The Hill, July 14, 2016; Kevin Baron, "As Anti-ISIS Forces Close In On Mosul, Coalition Leaders Focus on What's Next," Defense One, July 20, 2016.



Criminal Justice Reform

Timeline of Key Recent Federal Actions on Criminal Justice Reform

- 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. In addition, the CORRECTIONS Act that focuses on federal prison programming, was folded into the SRCA.
- Nov 2015 ○ **Criminal Code Improvement Act of 2015:** The House Judiciary Committee reported out of committee a bill that would require prosecutors to prove that defendants “knew, or had reason to believe, the conduct was unlawful.”
- Nov 2015 ○ **Sentencing Reform Act of 2015:** The House Judiciary Committee reported out of committee a bill that would permit a court to reduce the mandatory minimum prison term imposed on certain non-violent defendants convicted of a first-time or low-level drug offense.
- 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 ○ **Sentencing Reform and Corrections Act of 2015:** Senator Tom Cotton (R) opposed the bill and held up the progress of the bill in the Senate.
- April 2016 ○ **Sentencing Reform and Corrections 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 pending Congressional action.

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.



Cybersecurity

Timeline of Key Recent Federal Actions on Cybersecurity

Dec 2015

○

CISA Signed Into Law as Provision of FY16 Omnibus Appropriations: Congress slipped a version of the Cybersecurity Information Sharing Act into the omnibus appropriations bill during final days of negotiations. CISA encourages private corporations to share cyber threats with each other and with the federal government, incentivizing companies through liability protections.

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 for “Safe Harbor,” which offered privacy protections to EU citizens’ data that was transferred to the U.S. After the European Court of Justice ruled these protections inadequate and struck down Safe Harbor, Congress passed and the President signed the Judicial Redress Act, which extends the Privacy Act of 1974 to citizens of specified U.S. allies, providing them with, among other rights, the opportunity to bring privacy violation lawsuits before U.S. courts.

May-
June 2016

○

National Defense Authorization Act for FY17 Passes House and Senate: The House passed a version of the NDAA in May, with significant differences from the version that passed the Senate in June (see box at right for information on its path forward).

June 2016

○

The Cybersecurity and Infrastructure Protection Agency Act of 2016: Approved by the House Homeland Security Committee on June 8, the bill would reorganize the Department of Homeland Security’s cybersecurity operations, replacing the National Protection and Programs Directorate (NPPD) with a new unit called the Cybersecurity and Infrastructure Protection Agency (CIP).

June 2016

○

The Cyber Preparedness Act of 2016: Sent to the full House Homeland Security Committee following subcommittee markup on June 16, the bill calls for more streamlined communication on cybersecurity matters between federal, state, and local authorities, and would also enable homeland security grants to be put toward cybersecurity purposes.

Potential Actions in 114th Congress

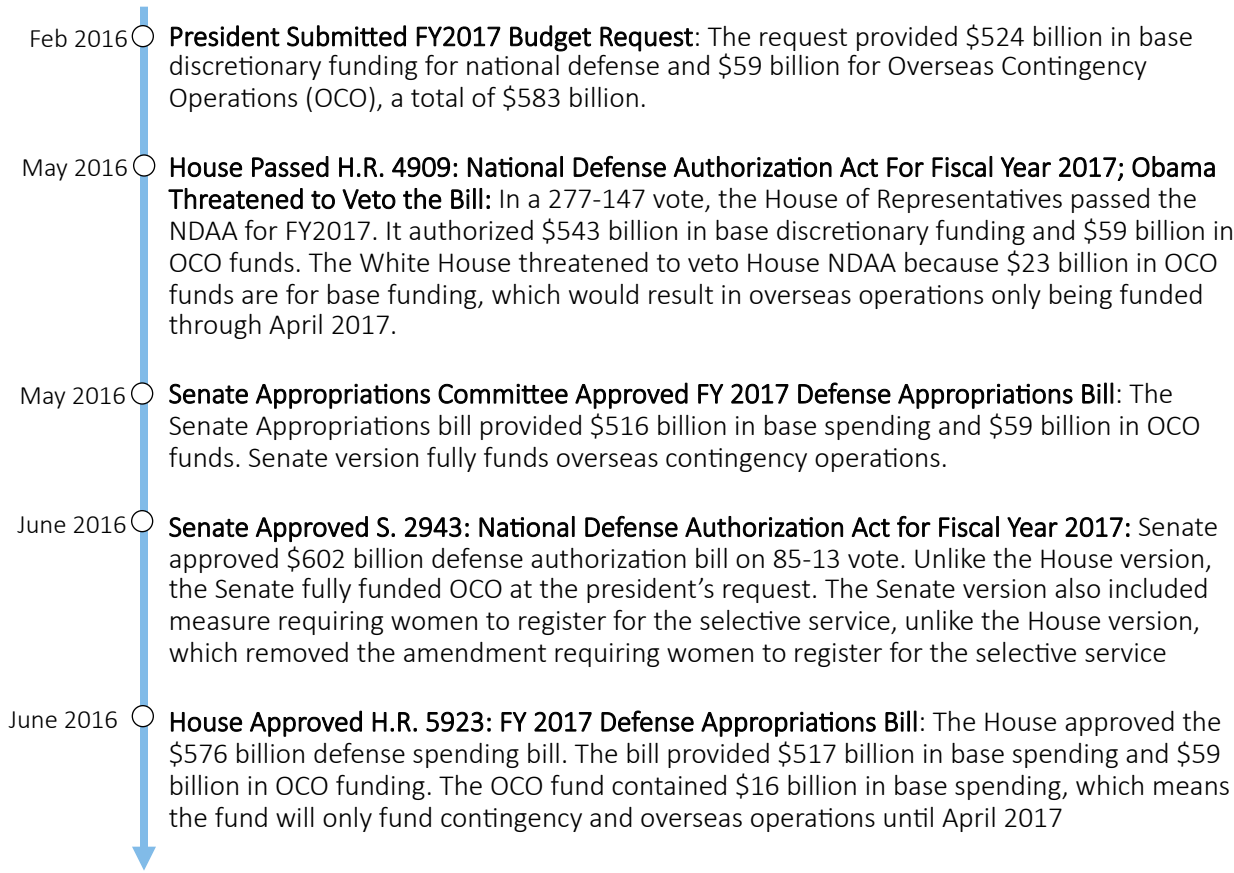
- The NDAA next heads to conference committee where the House and Senate will have to reconcile the discrepancies between their versions. The bill faces a veto threat from President Obama, with one of many objections related to the provision in the House NDAA that would make U.S. Cyber Command into its own combatant command, rather than remain under U.S. Strategic Command.
- Renewed attention on the encryption debate could spur congressional action, though obstacles remain. The House Homeland Security Committee recently brought the issue back into the spotlight with the release of an encryption report on June 28, but legislation faces an uphill battle. A draft bill put forth by Senators Richard Burr (R-NC) and Dianne Feinstein (D-CA) in April would require tech companies to comply with government requests for encrypted data. The bill has sparked controversy and does not appear likely to move ahead in the near future.

Sources: Joshua Higgins, “Lawmakers May Consider Amending Cyber Law As Implementation Progresses,” *Inside Cybersecurity*, June 17, 2016; Sheila A. Millar, Tracy P. Marshall, and Nathan A. Cardon, “Obama Signs Judicial Redress Act-Will It Move EU-U.S. Privacy Shield Forward?” *The National Law Review*, February 27, 2016; Jeremy Herb, “Morning Defense,” *Politico*, May 19, 2016; Katie Bo Williams, “House, Senate At Odds on New Authority for Cyber War Unit,” *The Hill*, May 20, 2016; Missy Ryan and Karen DeYoung, “White House, Citing Long List of Objections, Threatens Veto of Defense Bill,” *The Washington Post*, June 7, 2016; Press Release, “Donovan Introduces Bill to Bolster Country’s Cybersecurity Defenses,” June 14, 2016; Katie Bo Williams, “DHS cyber Reorganization Bill Advances in House,” *Politico*, June 8, 2016; Department of Homeland Security, “Cyber and Infrastructure Protection Transition Way Ahead: Fiscal Year 2016 Report to Congress,” March 17, 2016.



Defense Appropriations

Timeline of Key Recent Federal Actions on Defense



Potential Actions in 114th Congress

- The Senate and House will begin the process of conferencing the NDAA. The biggest contention will be over OCO funding. President Obama's threat to veto the House defense authorization and appropriations bills because of the reduced OCO funding will loom over Congress as they seek to reconcile these differences.
- The Senate failed to pass their defense appropriations bill. Senate Democrats expressed concerns that Republicans were increasing defense spending without correspondingly increasing domestic spending.
- The failure to pass the Senate defense spending bill will likely force Congress to pass a continuing resolution (CR) and omnibus bill in order to pass a budget.

Sources: The White House: Office of Management and Budget, "The President's Budget: Department of Defense," February 9, 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; Kristina Wong, "House Passes \$610B Defense Policy Bill," The Hill, May 18, 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; Rebecca Kheel, "House Passes \$576B Defense Spending Bill," The Hill, June 16, 2016; Jordan Carney, "Senate Approves Wide Ranging Defense Policy Bill," The Hill, June 14, 2016; Jordan Carney, "Senate Democrats Block Defense Spending Bill," The Hill, July 8, 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.
- Renewable energy tax credits were not included in the FAA Reauthorization Bill so a new vehicle will be needed for extension.

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

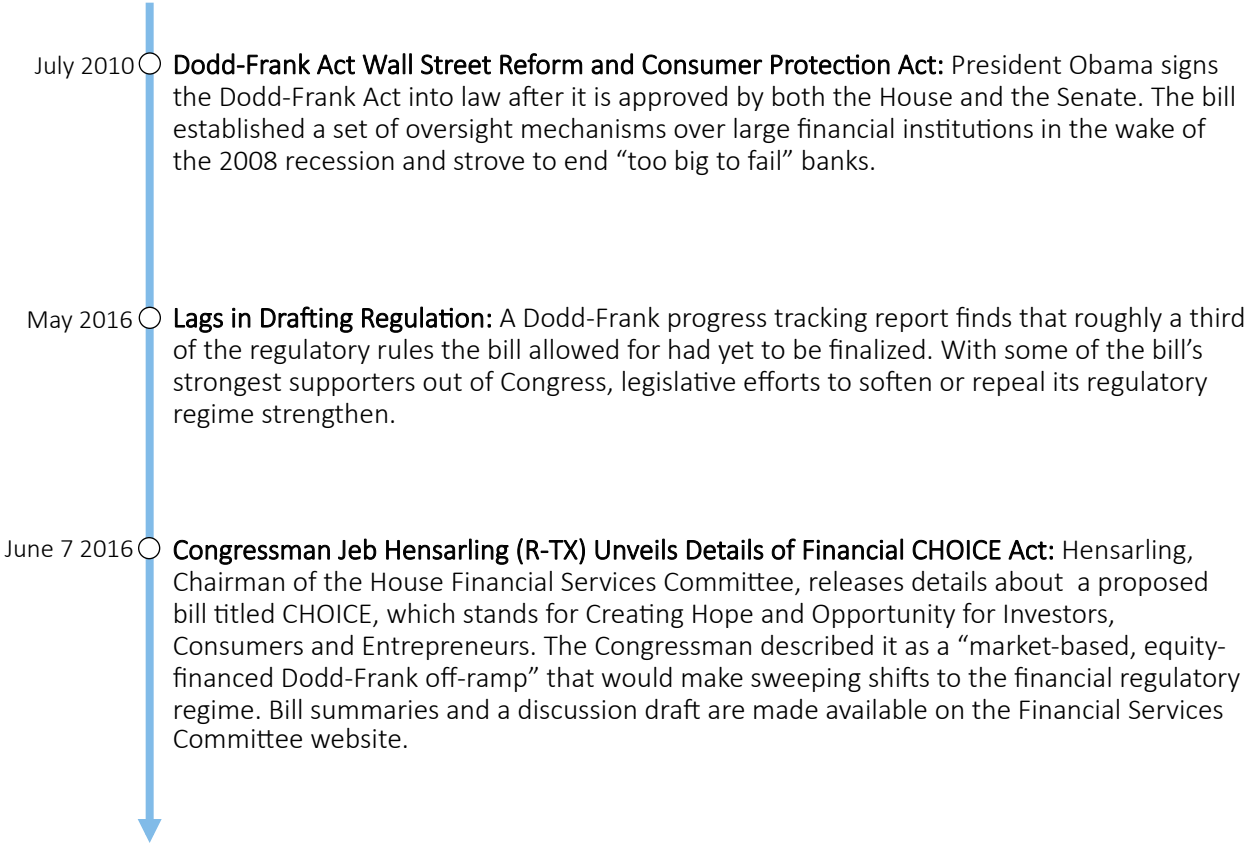
- With appropriation season in full swing, Senate Leader Mitch McConnell has prioritized passing spending bills without “poison-pill” riders. Due to the partisan divide on these issues, McConnell decided to not bring them to the Senate floor for a vote or add them to the omnibus package
- While H.R. 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.



Financial Regulation

Timeline of Key Recent Federal Actions on Financial Regulation



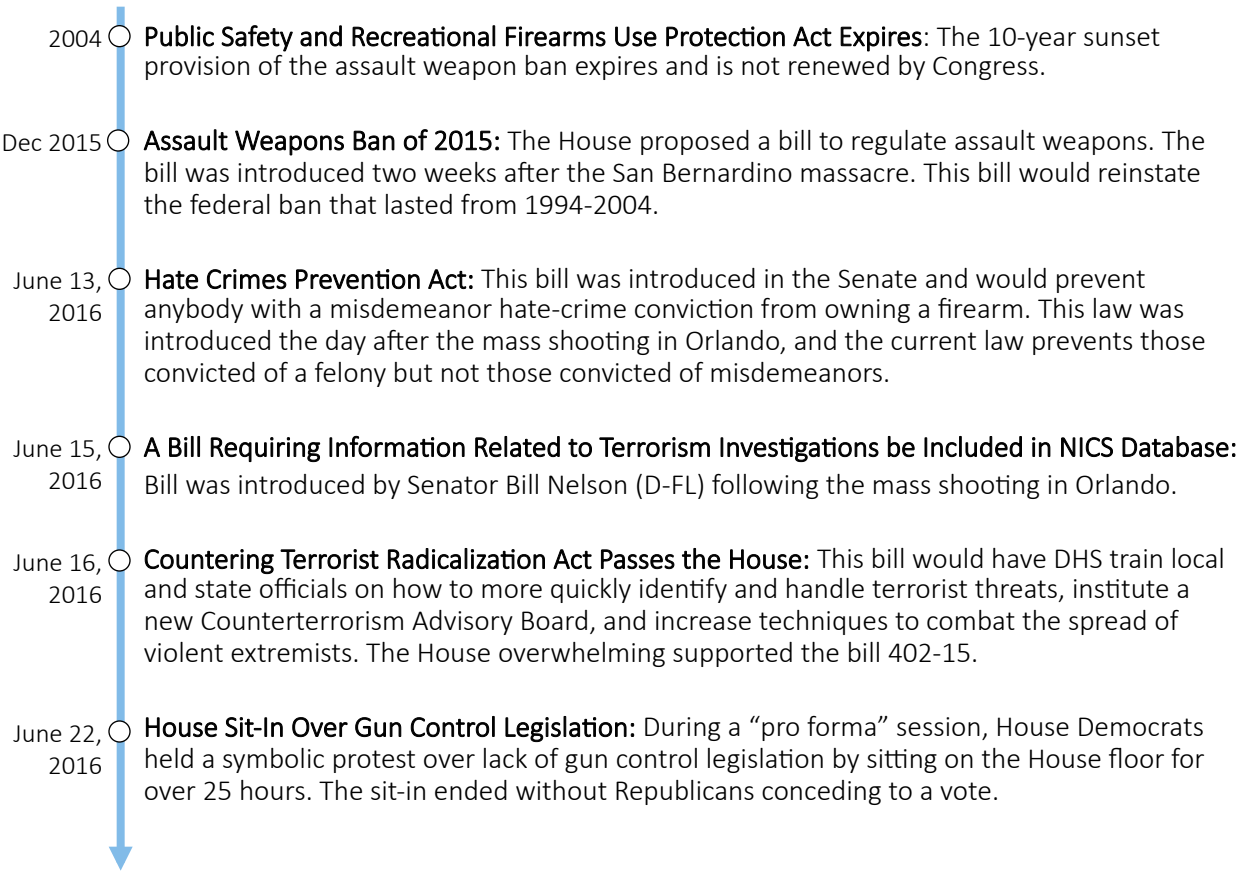
Potential Actions in 114th Congress

- The CHOICE Act has drawn mixed reactions from policymakers and civil society groups. Commentators don’t expect it to pass with President Obama still in the White House.
- One potential ally for the bill is Donald Trump. The presumptive Republican nominee has heavily criticized Dodd-Frank and called for a “dismantling” of the legislation. November’s presidential and congressional elections could benefit Hensarling and fellow Republicans looking to replace Dodd-Frank.

Sources: “Press Release – Hensarling: Republican Plan to replace Dodd-Frank Offers Economic Growth for All, Bank Bailout for None.” House Financial Services Committee, June 7 2016; “CHOICE Act Executive Summary”, House Financial Services Committee, June 7 2016; Matt Eagan, “Wall Street Reform Law Only Half Done”, CNN Money, July 20 2014; John W. Schoen, Marguerite Ward, “Five Years On Dodd-Frank Rules Still Being Written”, CNBC, July 17 2015; Victoria Finkle, “Republicans Unveil Plan to Repeal Dodd-Frank”, New York Times, June 7 2016.

Gun Control

Timeline of Key Recent Federal Actions on Gun Control Legislation



Potential Actions in 114th Congress

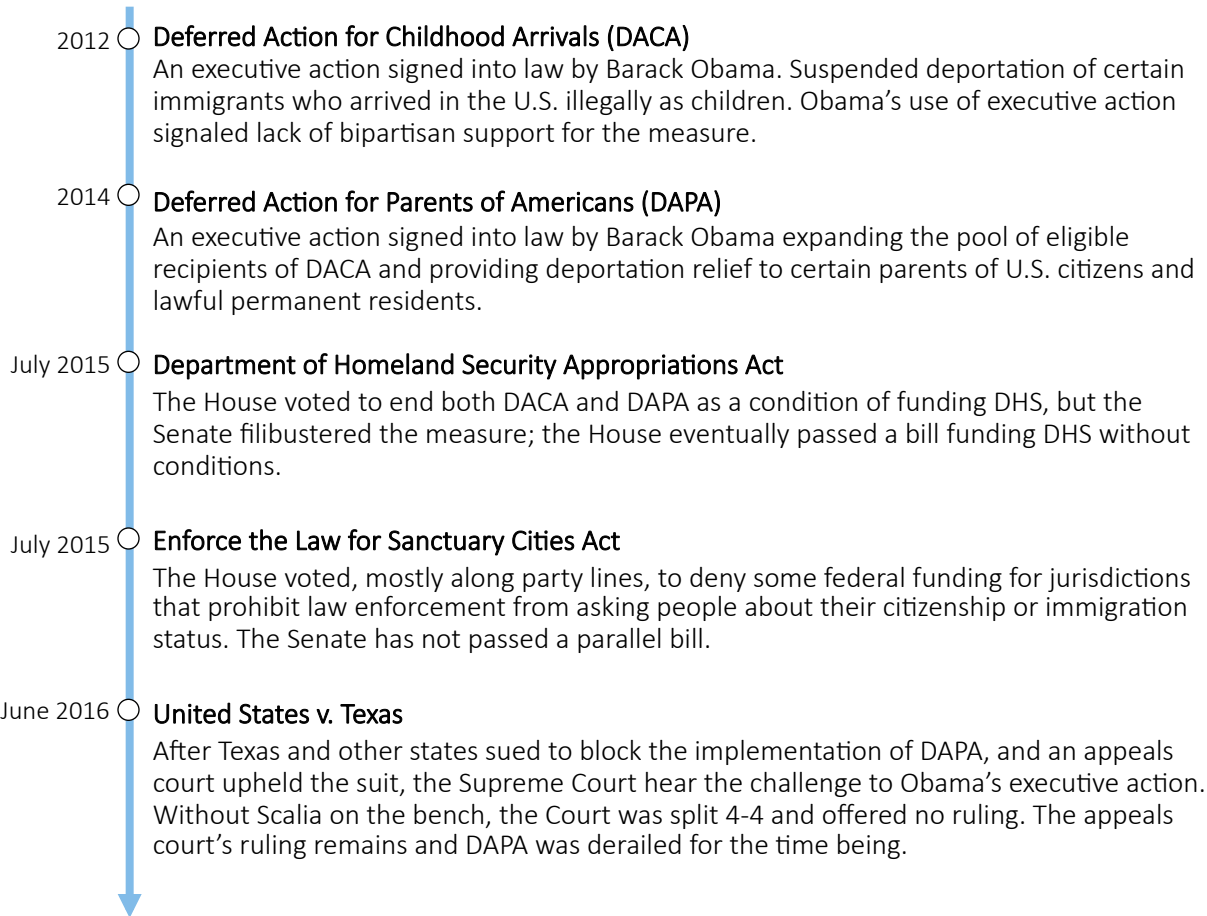
- The Assault Weapons Ban is one of the most polarized bills in regards to gun control in Congress. The bill has 149 cosponsors, all of whom are Democrat, and it is unlikely to pass under this Congress.
- The bill requiring information related to terrorism to be included in the NCIS database could see bipartisan support as both Clinton and Trump expressed their support.
- The Countering Terrorist Radicalization Act heads to the Senate after quickly passing through the House. A vote has not yet been scheduled in the Senate and leaders are reviewing the legislation and working with relevant committees.
- Congress breaks for recess without any votes on gun control legislation. It is unknown if the votes will happen when Congress returns, but it has sparked gun control talk in the 2016 election.

Sources: Image from the Noun Project by Edward Boatman; Erin Kelly, “House Passes Bills to Combat Radicalization of Americans by Terrorist,” USA Today, June 16, 2016; Sarah D. Wire and Christine Mai-Duc, “After Gun Control Sit-In California House Democrats Bring ‘Day of Action’ Home to Constituents,” Los Angeles Times, June 29, 2016; GovTrack.



Immigration

Timeline of Key Recent Federal Actions on Immigration



Potential Actions in 114th Congress

- Immigration reform does not appear likely to pass in the 114th congress, although President Obama has asked congress to pass legislation similar to DAPA.

Sources: Seung Min Kim, "Funding bill becomes immigration battle," Politico, September 18, 2014; Steve Vladek, "National Security and the 2014 Midterms: A Preview of Monday's CQ Roll Call/Just Security Event," Just Security, September 21, 2014; Billy House and Sarah Mimms, "Spending, Immigration, and Tax Fights Will Dominate Final Days of Session," National Journal, November 30, 2014; Jake Sherman and John Bresnehan, "Republicans ready to vote," Politico; Manu Raju and Seung Min Kim, "House GOP's Immigration Problem: No Path to 60 in the Senate," Politico; Dara Lind, "Here's the Republican Strategy for Stopping Obama on Immigration," Vox, January 13, 2015; "House Votes to Strip Federal Funding 'From Sanctuary Cities,'" Washington Post; Oyez/IIT Chicago-Kent School of Law, 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.

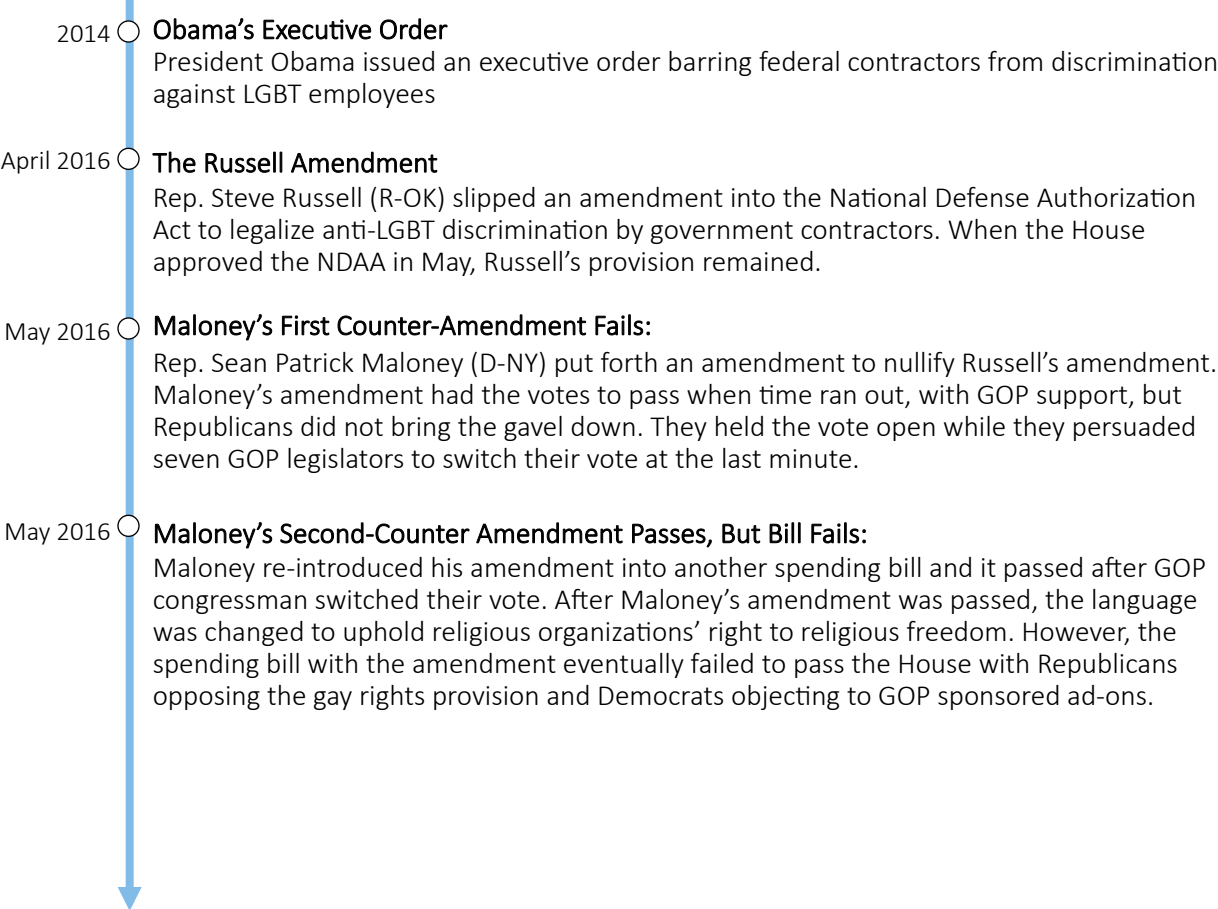
Potential Actions in 114th Congress

- Congress was 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.
- Because both presidential nominees Trump and Clinton oppose TPP, the supporters of the trade agreement are hoping for approval in the lame duck session.
- However, GOP leaders in Congress have said that approval is unlikely this year; Speaker Ryan has said that there aren’t enough votes for approval in the House.
- Sen. McConnell has said that he doesn’t know whether he will bring the vote to the floor in 2016, saying it’s “probably not the best time.”

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; George E. Condon Jr., “Obama Goes to Vietnam to Make Trade, Not War,” National Journal, May 20, 2016; Jackie Calmes, “Trans-Pacific Partnership Supporters Pin Hopes on Lame-Duck Vote,” New York Times, June 1, 2016; Nick Timiraos and William Mauldin, “Odds Worsen for TPP Trade Deal,” Wall Street Journal, July 29, 2016.



Timeline of Key Recent Federal Actions on LGBT Rights



Potential Actions in 114th Congress

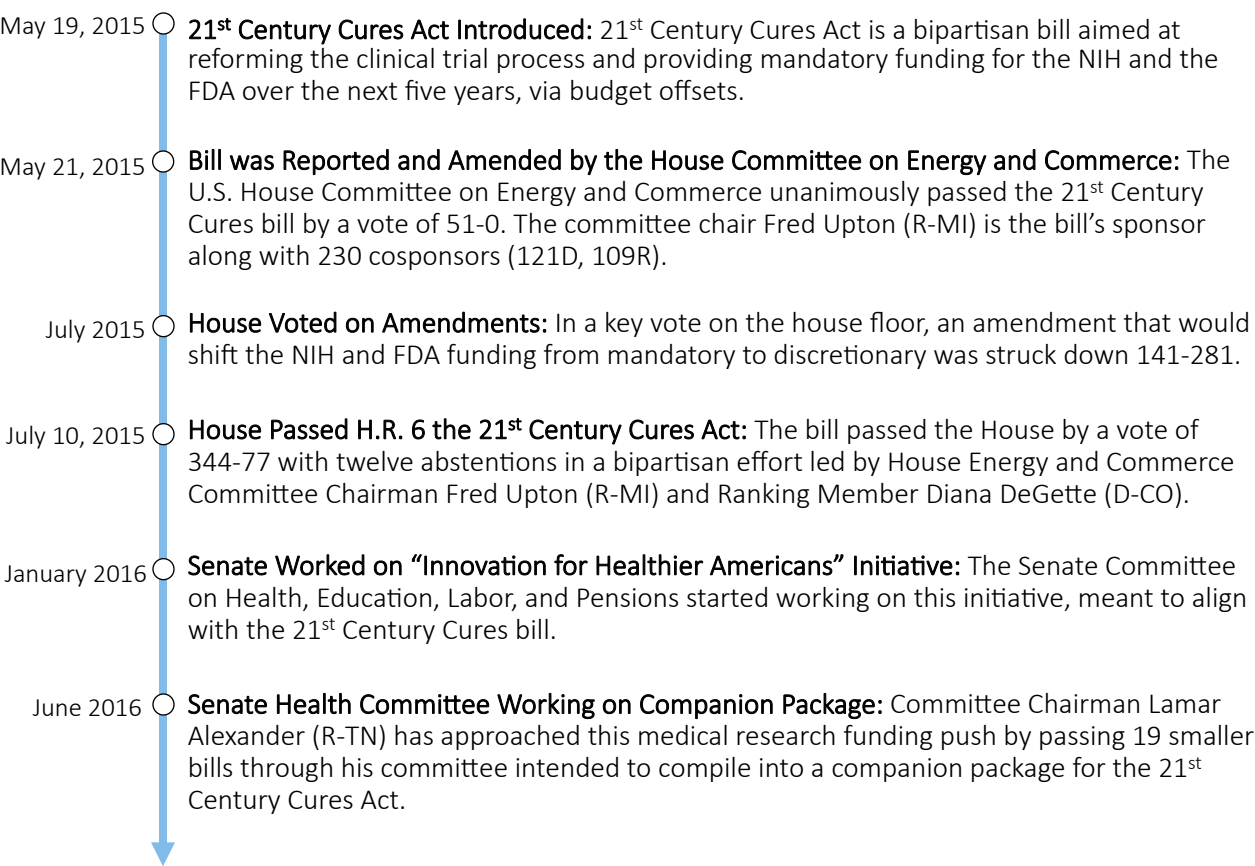
- The Equality Act, a bill that establishes federal protections against discrimination based on sexual orientation or gender identity, lacks enough GOP support to pass either House, but Democrats have signaled that they will renew a push for the legislation in the near future.
- Rep. Maloney has also said that he will continue to propose an amendment nullifying the Russell amendment. LGBT activists say they hope Maloney will manage to pass it without an exceptions for religious organizations.

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.



Medical Research Funding

Timeline of Key Recent Federal Actions on the 21st Century Cures Act



Potential Actions in 114th Congress

- According to Senate Health Committee Chairman, Lamar Alexander (R-TN), his ability to stitch together 19 bills approved in his committee and bring a package to the floor depends on his ability to reach a funding agreement with the Democrats.
- Senate Democrats like Elizabeth Warren (D-MA) and Patty Murray (D-WA) want funding to be mandatory while Republicans resist that approach.
- Senate Republicans want to make sure other spending is cut to pay for the funding necessary to pass the 21st Century Cures Act.
- Both Murray and Alexander are hopeful they will reach a bipartisan agreement on the bill before this Congressional term closes.
- According to GovTrack the bill has a 52% chance of being signed into law.

Sources: GovTrack.us; American Association for Cancer Research; David Nather, "Landmark Effort to Speed Drug Approvals Nears Critical Phase in Congress," STAT, June 21, 2016.



Mental Health

Timeline of Key Recent Federal Actions on Mental Health

- 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.
- July 2016 ○ **House Passes H.R. 2646: Helping Families in Mental Health Crisis Act of 2016**
House passed H.R.2646 on July 6, 2016. The bill passed on to the Senate for consideration. However, as the Senate version S. 2680, "Mental Health Reform Act of 2016" may be considered in September depending on timing. The bills may go to conference in the fall.

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. The bill is on the Senate legislative calendar. The Senators sponsoring the bill hope that the bill will see a floor vote in September, but a gun-rights amendment from Sen. Cornyn is holding up the legislation.

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; Heather Caspi, "Delayed Mental Health Legislation to Get July Vote," HealthcareDIVE, June 27, 2016.



Opioid Abuse and Heroin Epidemic

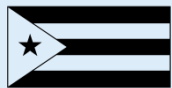
Timeline of Key Recent Federal Actions on the Opioid Abuse and Heroin Epidemic

- 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.
- 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.
- May 2016 ○ **House Passed a Divided CARA:** 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.
- July 2016 ○ **President Obama Signs CARA:** The conference was unsuccessful at providing funding. However, both houses passed the legislation and Obama signed the bill into law

Potential Actions in 114th Congress

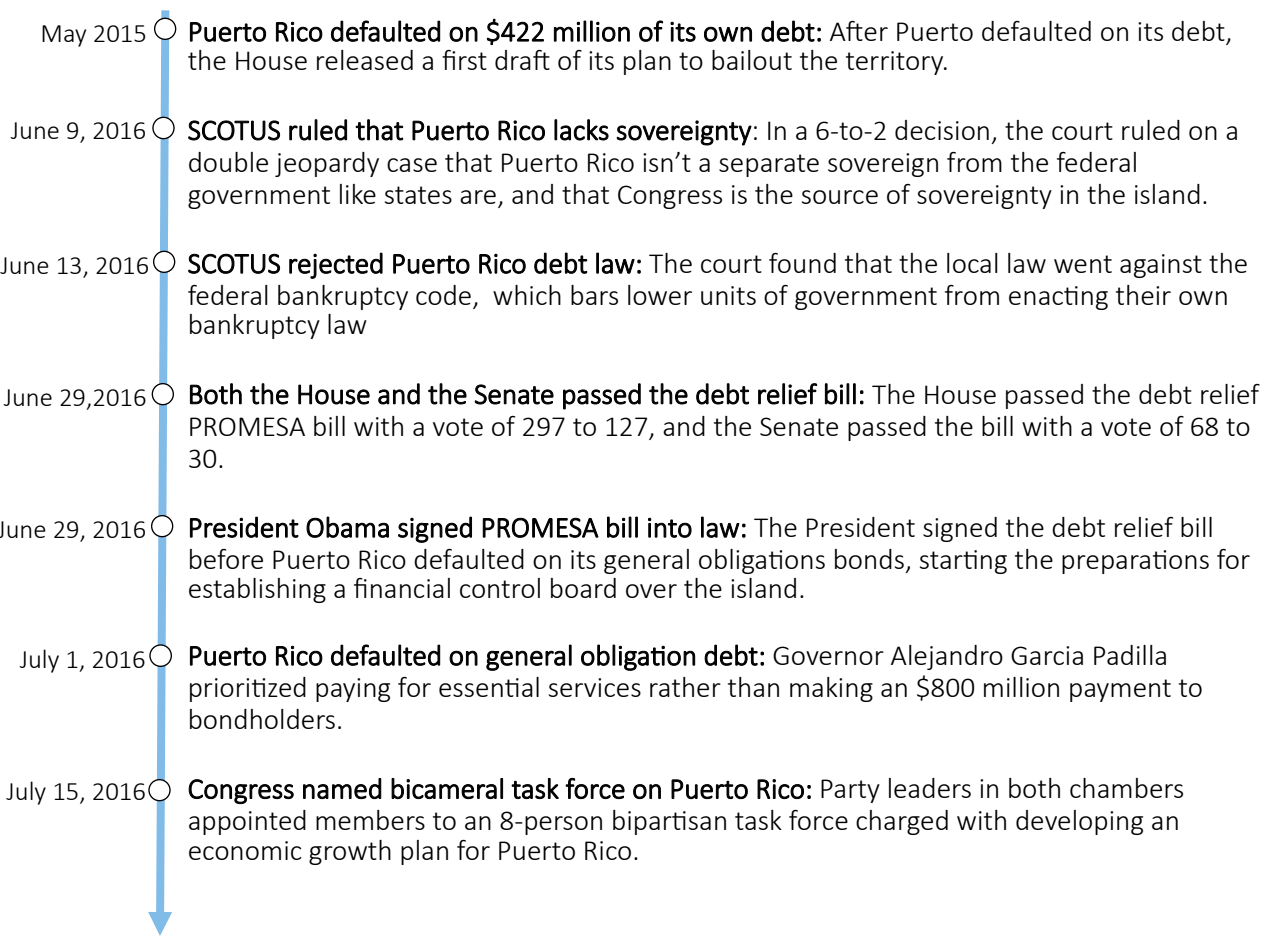
- The President's FY 2017 Budget includes \$1 billion in new mandatory funding over two years to expand access to treatment for prescription drug abuse and heroin use, as well as approximately \$500 million to continue and build on current efforts across DOJ and HHS
- CARA authorizes but does not appropriate funding for opioid treatment. The opioid crisis may receive proper funding in the appropriations process in the fall

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; Mary Ellen McIntire, "Senate's Opioid Bill Authors Advise Conferees on Final Bill," Morning Consult, June 28, 2016.



Puerto Rico Debt Relief

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



Potential Actions in 114th Congress

- As required by the PROMESA bill, Congressional leaders and President Obama will need to appoint members to the Financial Oversight and Management Board with enough time for it to be running by mid-September

Sources: Jack Casey and Robert Slavin, "Obama Signs PROMESA, Starting Long Process for Puerto Rico," *The Bond Buyer*, June 30, 2016; Michelle Kaske and Martin Braun, "Puerto Rico's Slide," *Bloomberg*, May 3, 2016; Adam Liptak and Mary Williams Walsh, "Supreme Court Rejects Puerto Rico Law in Debt Restructuring Case," *The New York Times*, June 13, 2016; Heather Long, "Puerto Rico Makes Historic Default," *CNN*, July 1, 2016; Noah Feldman, "A Constitutional Diss for Puerto Rico," *Bloomberg*, June 9, 2013; Michelle Kaske, "Hatch to Lead Congressional Task Force on Puerto Rico Growth," *Bloomberg*, July 20, 2016.



Tax Reform

Timeline of Key Recent Federal Actions on Tax Reform

Feb 2014

○

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

Sep 2014

○

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

Jan 2015

○

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

Jul 2015

○

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

Dec 2015

○

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

Feb 2016

○

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

June 2016

○

House Republicans’ Tax Blueprint: Ways and Means Chairman Kevin Brady released the House GOP’s tax reform platform, part of Speaker Ryan’s “A Better Way” plan.

Potential Actions in 114th Congress

- A shorter than usual legislative calendar, together with controversies over the budget, the Supreme Court, and the election, means that even a modest reform package is a long shot this year. A massive undertaking would probably occur in 2017 after inauguration.
- Sen. Chuck Schumer (D-NY), who is likely to lead Senate Democrats starting in 2017, suggested he would work with House Speaker Paul Ryan (R-WI) to pass a bill focused on international tax reform
- Senate Maj. Leader Mitch McConnell (R-KY) has ruled-out that approach and stated a preference for one comprehensive package
- The House Ways and Means Committee will begin drafting tax reform legislation according to the released blueprint, with the goal of passing legislation in 2017.

Source: Seung Min Kim, “Funding bill becomes immigration battle,” Politico, September 18, 2014; Steve Vladek, “National Security and the 2014 Midterms: A Preview of Monday’s CQ Roll Call/Just Security Event,” Just Security, September 21, 2014; Billy House and Sarah Mimms, “Spending, Immigration, and Tax Fights Will Dominate Final Days of Session,” National Journal, November 30, 2014; Jake Sherman and John Bresnehan, “Republicans ready to vote,” Politico; Manu Raju and Seung Min Kim, “House GOP’s Immigration Problem: No Path to 60 in the Senate,” Politico; Dara Lind, “Here’s the Republican strategy for stopping Obama on immigration,” Vox, January 13, 2015; “House Votes to strip federal funding “from sanctuary cities,”” Washington Post; National Journal Research, 2016; Squire Patton Boggs, “A Better Way or a Conversation Starter: The GOP Tax Reform ‘Blueprint,’” Lexology, June 29, 2016.



Technology

Timeline of Key Recent Federal Actions on Technology

- September 2011 ○ **The Leahy-Smith America Invents Act (AIA) Signed Into Law:** President Obama signed AIA into law, marking the most significant change to US patent laws since 1952. Included in the changes are the “first to file” system for the application process.
- April 2016 ○ **No Rate Regulation of Broadband Internet Access Act:** The House passed H.R. 2666, which would prevent the Federal Communications Commission from regulating rates charged for providing broadband Internet service, The bill still needs to pass the Senate, and could undermine the recently affirmed Open Internet net neutrality rules.
- April 2016 ○ **Digital Security Commission Act of 2016:** Introduced by Rep. Michael McCaul (R-TX) and Sen. Mark Warner (R-VA), the bill proposes the establishment of the National Commission on Security and Technology Challenges to examine and recommend action concerning security issues in the digital realm. The bill has been seen as an alternative to the controversial bill released by Senators Richard Burr (D-NC) and Dianne Feinstein (D-CA) that would require tech companies to decrypt and disclose consumer data at a court’s request, prompted largely by the Apple-FBI debate over encrypted consumer content.
- June 2016 ○ **Kelsey Smith Act:** H.R. 4889, which would require a VOIP or mobile provider to disclose call information for emergency calls at the request of law enforcement, failed to pass the House. The bill concerns question of right to privacy and location, particularly in a world permeated by geolocation technology. The Senate version (S. 2770) was expected Senate Committee markup in July, but was bumped. Congress may address this after recess.
- July 2016 ○ **FAA Extension, Safety, and Security Act of 2016:** The bill passed both Houses of Congress, reauthorizing the Federal Aviation Administration through September 2017.

Potential Actions in 114th Congress

- The MOBILE NOW Bill was placed on the Senate Legislative Calendar in late April 2016. The bill would require the NTIA and the FCC to make 255 megahertz of both federal and nonfederal spectrum available for mobile and fixed wireless broadband use by the end of 2020. Given the FCC’s unanimously approved 5G plans and enthusiasm to opening up more spectrum, action could be taken on the matter.
- Both Hillary Clinton and the Republican Party, as stated in its 2016 platform, stated their intent to address Internet governance in their tech platforms. While Clinton has touted a multistakeholder model, the RNC platform states an opposition to shifting Internet governance to any other organization. Pertaining to this issue, Sen. Ted Cruz (R-TX) introduced the Protecting Internet Freedom Act (S. 3034/H.R. 5418), a bill to prevent the transition of IANA authority to a multistakeholder model. The bill was assigned to committee on June 8, where it will be considered before being sent to the Senate.

Sources: Congress.gov, 2016; Ryan Hagemann and Andrew Chang, “Encryption Showdown: Burr-Feinstein vs McCaul-Warner,” *The Hill*, April 25, 2016; Amir Nasr, “A Tale of Two Encryption Bills,” *Morning Consult*, March 23, 2016; Amir Nasr, “Thune: Senate Panel to Vote on Kelsey Smith Act in June,” *Morning Consult*, June 15, 2016; Horia Ungureanu, “President Obama Pledges to Veto House Passage of H.R. 2666 Anti-Net Neutrality Bill,” *Tech Times*, April 15, 2016; Gene Quinn, “Patent Reform 101 – A Primer on Pending Patent Legislation,” *IP Watchdog*, May 7, 2015.



Zika Funding

Timeline of Key Recent Federal Actions on Zika Funding

Fall 2015

○

Increase in Microcephaly Reported
Brazil reports an unusual increase in the number of cases of microcephaly among newborns and declares a national public health emergency. Zika is increasingly found in neighboring countries.

Feb 2015

○

President Obama Requests \$1.9 Billion from Congress for Zika Research and Prevention

March 2016

○

CDC, WHO Conclude Causal Relationship between Zika and Birth Defects
WHO announces scientific consensus on a link between microcephaly and the Zika virus.

April 2016

○

Administration Taps into Ebola Funding, Congress Passes Priority Voucher Bill
In absence of Congressional funding, the administration moved \$510 million from Ebola response and prevention and another \$75 million from other efforts. Congress passes a bill allowing the FDA to make Zika drug developers eligible as a priority voucher, but not allocating funding.

May 2016

○

House and Senate Pass Separate Bills -- Conference Stalls
The Senate bill offered \$1.1 billion while the House's bill offered \$622 million in funding

June 2016

○

House Passes Federal Spending Bill Allocating \$1.1 billion to Zika, Senate Votes Bill Down
Republican congressmen passed a Zika funding provision in a federal spending bill with policy riders defunding Planned Parenthood. Senate democrats refused to pass the bill.

July 2016

○

Congress Breaks For Recess with No Action on Zika Funding
The House bill failed in the Senate after months of negotiation, eliminating any possibility of allocating money to prevent the spread of Zika in the US over the summer.

Potential Actions in 114th Congress

- It is expected that Zika funding negotiations will continue over the recess.
- As Congress was unable to meet their goal of passing a 2017 fiscal budget, public health officials fear Zika allocations will not be included in any stop-gap funding measures Congress will most likely pass in September to prevent a government shutdown.

Sources: Will Drabold, "Zika Funding Bill Fails as Congress Is Unable to Reach Compromise," *Time*, July 14, 2016; Nora Kelly, "Congress Falls Short on Zika," *The Atlantic*, July 16, 2016; Lena H. Sun, "CDC: Puerto Rico Could See Hundreds of Zika-infected Babies with Microcephaly," *Chicago Tribune*, June 20, 2016; Toni Clarke, "Congress Sends Obama Bill on Zika Drug Development", *Reuters*, April 12, 2016; Michaeleen 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; 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; "The Senate voted down a Zika funding bill that was crammed full of anti-abortion amendments" *Quartz*, June 28, 2016.