

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

**October 5, 2016**

**Producers:** Katharine Conlon, Alexander Perry, Christine Yan, Justin Brown, Owen Minott Jr., Ben Booker, Emilia Varrone, Claire Carter, Hunter Hamrick, Jessica Grischkan, Yannii Chen, Libbie Wilcox, Madelaine Pisani and Francis Torres

**Edited by:** Alistar Taylor

**Director:** Afzal Bari



# A guide to this legislative forecast

## Issues covered in this month's legislative forecast

- Affordable Care Act
- Appropriations
- Conflict in Iraq and Syria
- Criminal justice reform\*
- Cybersecurity
- Defense appropriations
- 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

## 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.*

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



# The Legislative Agenda for 2016

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

Jan	Feb	Mar	April	May	June	July	Aug	Sep	Oct	Nov	Dec
	<b>Approps:</b> President's FY16 Budget Request <b>Iraq &amp; Syria:</b> Partial ceasefire went into effect		<b>Approps:</b> Senate started considering individual appropriations bills <b>Energy &amp; Environment:</b> U.S. signed Paris Climate Treaty	<b>Opioids:</b> House declared "Opioid Week" <b>Approps:</b> House started considering spending bills	<b>TSCA:</b> Bill signed into law <b>Puerto Rico:</b> Bill signed into law <b>Immigration:</b> SCOTUS struck down DAPA	<b>Opioid:</b> CARA signed into law	<b>Summer recess (July 16 – Sep 6)</b> <b>Energy:</b> Staff meetings to discuss energy reform	<b>Zika:</b> CR passed with Zika funding <b>Approps:</b> CR passed, funding ends Dec. 9	<b>October recess (Oct 10-Nov 14)</b> <b>Tech:</b> ICANN transition begins <b>Immigration:</b> SCOTUS declined to rehear <i>U.S. v Texas</i>	<b>General Election</b>	<b>Approps:</b> spending bill revisited

### Possible actions, timing unknown

- Criminal Justice Reform:** Sentencing Reform and Corrections Act of 2015 may pass during lame duck session
- Conflict in Iraq & Syria:** Bilateral talks between the U.S. and Russia broke down in early October; unclear when or if they will restart
- Cybersecurity:** Possible DHS cyber hub reorganization
- Energy:** Energy & Water appropriations bill and the Water Resources Development Act to be revisited during lame duck session
- LGBT Rights:** Rep. Maloney (D-NY) expected to reintroduce anti-discrimination amendment
- Medical Research Funding:** The Senate will discuss a package of bills to match the House's 21<sup>st</sup> Century Cures Act; likely to happen during lame duck session
- Mental Health Reform:** Congressional consideration of Mental Health Reform Act of 2015 may happen in lame duck; if not, will occur next session

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 114<sup>th</sup> Congress

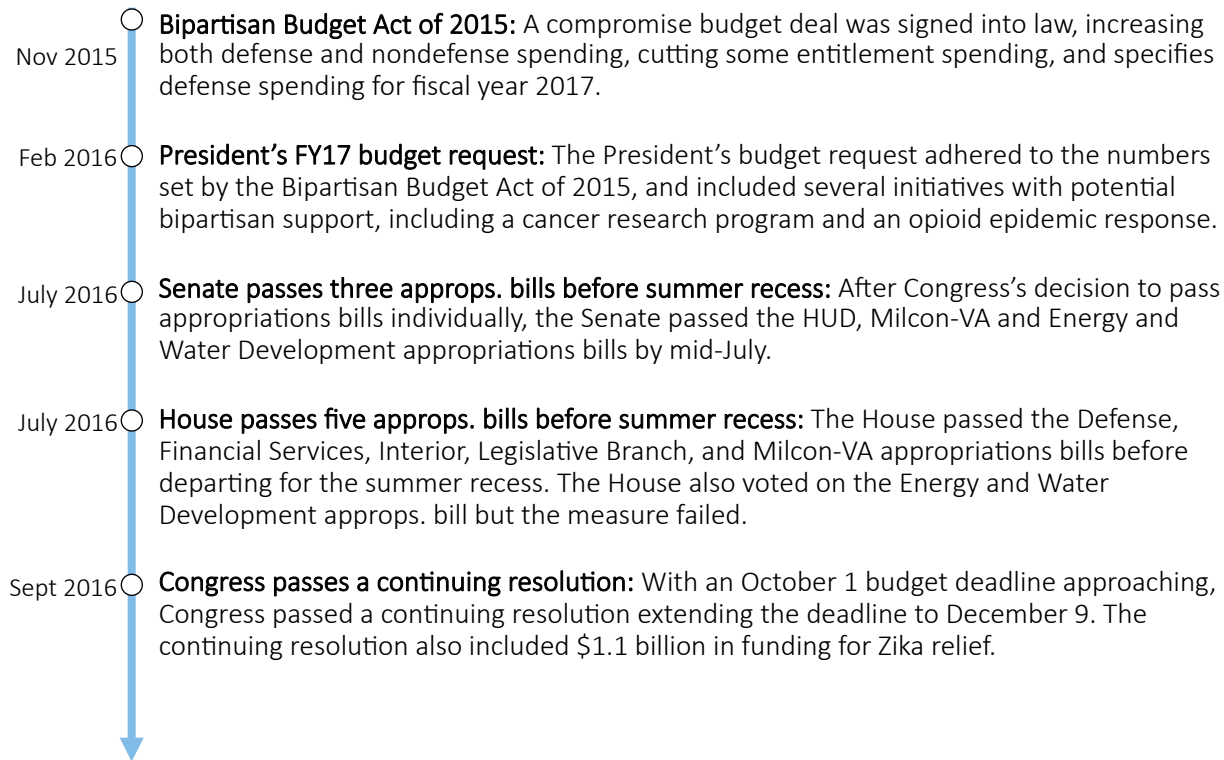
- The Supreme Court decided to remand *Zubik v. Burwell* to the lower courts, effectively delaying a decision on whether the contraceptive-coverage mandate and its 'accommodation' to the Religious Freedom Restoration Act is constitutional. Prior to reaching the Supreme Court, five appeals courts ruled 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"
- Reports about rising health insurance premiums and unstable health exchange co-ops have raised questions about the ACA moving forward. While Democrats tout possible reforms to shore up the health law, Republicans continue to call for its repeal

*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



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

- Passing a budget will likely be the first priority when Congress returns following the election as they will only have three weeks to do so (with a week off in between for Thanksgiving).
- In both the 2012 and 2014 lame-duck sessions, tax-extenders accompanied the budget and 2016 is shaping up to be no different. A tax-extender package worth a potential \$19.4 billion will likely be on the docket for consideration.

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; 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; Andy Koenig, "Lame ducks are plotting a post-election budget raid," *Wall Street Journal*, September 12, 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 27<sup>th</sup>. 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.
- Oct 2016 ○ **U.S. suspended talks with Russia:** The U.S. suspended talks with Russia citing Russia's unwillingness to stop bombing rebel-held territory and abide by a ceasefire.

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

- There has been little to suggest that a compromise will be reached between Democrats, who want any new AUMF to restrict the President's authority, and Republicans, who do not want to limit the administration's military options
- Iraqi and U.S. forces are preparing 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 make-up of the city. This has become further reinforced now that Turkish forces have joined the operation, which makes Kurdish fighters nervous the Turks will target them when fighting begins
- The U.S. suspended bilateral talks with Russia over Syria. The hope was to sustain a ceasefire and coordinate strikes against Islamist militant groups like ISIS and Jabhat al-Nusra

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 Pentson, "The D Brief," *Defense One*, June 1, 2016; Julian Hattam, "State Stands By Syria Policy Despite Internal Dissent," *The Hill*, June 17, 2016; Ryan Brown, "U.S. suspends talks with Russia over Syria," *CNN International*, October 3, 2016; Nabih Bulos, "The battle in Iraq could turn the tide against the Islamic State: the fight for Mosul is about to begin," *Los Angeles Time*, October 2, 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 114<sup>th</sup> Congress

- Supporters of the bill in the Senate Judiciary Committee must now persuade Majority Leader Mitch McConnell (R-KY) to take up the legislation this year
- President Obama has expressed interest in prison reform and could plausibly sign a bipartisan reform bill in 2016 before leaving office 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,” 114<sup>th</sup> Congress (2015–2016), October 2015; Jack Martinez, “Senators Announce Bipartisan Criminal Justice Reform Legislation,” *Newsweek*, October 1, 2015; Juliet Eilperin and Mike DeBonis, “Obama Convenes Meeting on Criminal Justice Reform to Buoy Bipartisanship,” *Washington Post*, December 3, 2015; Seung Min Kim, “Cotton Leads Effort to Sink Sentencing Overhaul,” *The Hill*, January 25, 2016; *Associated Press*, “Tom Cotton Holds Up Juvenile Justice Overhaul in the Senate,” *Arkansas Online*, February 12, 2016; Seung Min, Kim, “Compromise Struck on Criminal Justice Reform,” *Politico*, April 28, 2016.



# Cybersecurity

## Timeline of key recent federal actions on cybersecurity

- 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).
- Sept 2016 ○ **The Cyber Preparedness Act of 2016:** Passed by the House, 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.
- Sept 2016 ○ **The Data Breach Insurance Act:** Sponsored by Rep. Ed Perlmutter (D-CO) and referred to the House Committee on Ways and Means, the bill proposes a 15% tax break for businesses that invest in data breach insurance coverage and incorporate NIST's cybersecurity standards (or another framework accepted by the Secretary of the Treasury).
- Sept 2016 ○ **The Cybersecurity Responsibility and Accountability Act of 2016:** Introduced by Rep. Ralph Abraham (R-LA), the bill empowers the director of the OMB to demote or fire an agency head if a cyber incident can be attributed partially or entirely to his or her failure to implement cybersecurity measures and standards.
- Sept 2016 ○ **Improving Small Business Cyber Security Act of 2016:** Approved by the House and sent to the Senate, the legislation tasks the Small Business Administration and DHS with establishing a cybersecurity strategy for small businesses.
- Sept 2016 ○ **Election cybersecurity:** Rep. Hank Johnson (D-GA) introduced the **Election Infrastructure and Security Promotion Act of 2016**, which would require DHS to classify the U.S. electoral system as part of the nation's critical infrastructure, and the **Election Integrity Act of 2016**, which would bar states from purchasing new electronic voting machines unless they are accompanied by voter-verified paper ballots. Both bills have been referred to committee.

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

- The National Defense Authorization Act for Fiscal Year 2017 remains in conference committee. 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: "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; Press release, "Perlmutter introduces legislation to help mitigate the impacts of data breaches," September 15, 2016; Mohana Ravindranath, "Cyber bill would let agency heads be fired if there's a data breach," *Nextgov*, September 21, 2016; Joyce M. Rosenberg, "Get started: internet security bill may aid small businesses," *CNBC*, September 26, 2016; Lily Hay Newman, "As elections loom, officials debate how to protect voting from hackers," *Wired*, September 21, 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 bill:** 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 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.
- June 2016 ○ **Senate approved S. 2943: National Defense Authorization Act for Fiscal Year 2017:** Senate approved \$602 billion defense authorization bill on 85-13 vote. Unlike the House version, the Senate fully funded OCO at the president's request. The Senate version also included measure requiring women to register for the selective service, unlike the House version, which removed the amendment requiring women to register for the selective service
- June 2016 ○ **House approved H.R. 5923: FY 2017 defense appropriations bill:** The House approved the \$576 billion defense spending bill. The bill provided \$517 billion in base spending and \$59 billion in OCO funding. The OCO fund contained \$16 billion in base spending, which means the fund will only fund contingency and overseas operations until April 2017

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

- The Senate and House have continued to conference on 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 has still failed to pass a defense appropriations bill, which was one of the reasons Congress was unable to pass a budget and had to pass a continuing resolution (CR)
- Congress is on recess until after the election, but defense appropriations will be one of the largest issues they will tackle when they come back. Defense spending gets tied into the larger budget fight between Republicans and Democrats on overall spending levels

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

- Mar. 2016 ○ **Bureau of Land Management began its public-land coal review process:** The BLM started its review of coal use on public lands while a moratorium is on public land coal permits.
- Apr. 2016 ○ **House and Senate Appropriations Committees pass Energy and Water Appropriations Bills:** Bills funding Department of Energy, Army Corps of Engineers and other agencies passed committees and awaits approval in both full chambers.
- Apr. 2016 ○ **Senate passed S.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.
- Apr. 2016 ○ **U.S. signed Paris Climate Agreement:** Secretary of State John Kerry signed the most extensive climate change agreement in history. Since it is not a treaty, there is no need for Senate approval.
- 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.
- Sept 15, 2016 ○ **Senate passes Water Resources Development Act:** The Senate passed a version of the bill that provides \$220 million in funding for Flint and other communities suffering from water infrastructure issues related to lead piping.
- Sept 28, 2016 ○ **House passes their version of the Water Resources Development Act:** House passed the bill with changes including a reduction in the funding levels for Flint, Michigan to \$170 million from the \$220 million appropriated under the Senate bill.

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

- Both the House and the Senate have passed similar versions of the same comprehensive energy bill. The next step is to reconcile small differences between 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 with the more bipartisan Senate version
- The Senate Energy and Water Appropriations Bill should move forward eventually, but expect continued delays as the House and Senate work to pass and reconcile their two respective versions once the House passes 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 not to 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 favorably reported the Federal Reserve Transparency Act of 2015 (H.R. 24):** 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 114<sup>th</sup> 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 not to 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

- July 2010 ○ **Dodd-Frank Act Wall Street Reform and Consumer Protection Act:** President Obama signs the Dodd-Frank Act into law after it is approved by both the House and the Senate. The bill established a set of oversight mechanisms over large financial institutions in the wake of the 2008 recession and strove to end “too big to fail” banks.
- May 2016 ○ **Lags in drafting regulation:** A Dodd-Frank progress tracking report finds that roughly a third of the regulatory rules the bill allowed for had yet to be finalized. With some of the bill’s strongest supporters out of Congress, legislative efforts to soften or repeal its regulatory regime strengthen.
- June 7, 2016 ○ **Congressman Jeb Hensarling (R-TX) unveils details of Financial CHOICE Act:** Hensarling, Chairman of the House Financial Services Committee, releases details about a proposed bill titled CHOICE, which stands for Creating Hope and Opportunity for Investors, Consumers and Entrepreneurs. The Congressman described it as a “market-based, equity-financed Dodd-Frank off-ramp” that would make sweeping shifts to the financial regulatory regime. Bill summaries and a discussion draft are made available on the Financial Services Committee website.
- Sept 13, 2016 ○ **House Financial Services Committee passes Financial CHOICE Act:** The House Financial Services Committee passed the Financial CHOICE Act by a vote of 30 to 26.

### Potential actions in 114<sup>th</sup> 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
- With the Financial CHOICE Act passing in the House Financial Services Committee, it is unknown whether or not it will go to the House floor for a full vote

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; House Financial Services Committee, “Markup of Financial CHOICE Act,” September 13, 2016; Representative Jeb Hensarling, “Committee approves financial CHOICE Act, the Republican plan to replace Dodd-Frank with economic growth for all and bailouts for none,” September 13, 2016.



# Gun control

## Timeline of key recent federal actions on gun control legislation

2004 ○ **Public Safety and Recreational Firearms Use Protection Act expires:** The 10-year sunset provision of the assault weapon ban expires and is not renewed by Congress.

Dec 2015 ○ **Assault Weapons Ban of 2015:** The House proposed a bill to regulate assault weapons. The bill was introduced two weeks after the San Bernardino massacre. This bill would reinstate the federal ban that lasted from 1994-2004.

June 13, 2016 ○ **Hate Crimes Prevention Act:** This bill was introduced in the Senate and would prevent anybody with a misdemeanor hate-crime conviction from owning a firearm. This law was introduced the day after the mass shooting in Orlando, and the current law prevents those convicted of a felony but not those convicted of misdemeanors.

June 15, 2016 ○ **A bill requiring information related to terrorism investigations be included in NICS database:** Bill was introduced by Senator Bill Nelson (D-FL) following the mass shooting in Orlando.

June 16, 2016 ○ **Countering Terrorist Radicalization Act passes the House:** This bill would have DHS train local and state officials on how to more quickly identify and handle terrorist threats, institute a new Counterterrorism Advisory Board, and increase techniques to combat the spread of violent extremists. The House overwhelming supported the bill 402-15.

June 22, 2016 ○ **House sit-in over gun control legislation:** During a “pro forma” session, House Democrats held a symbolic protest over lack of gun control legislation by sitting on the House floor for over 25 hours. The sit-in ended without Republicans conceding to a vote.

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

- The Assault Weapons Ban is one of the most polarizing bills regarding gun control in Congress. The bill has 149 cosponsors, all of whom are Democrats, and it is unlikely to pass under this Congress
- The bill requiring that information related to terrorism be included in the NICS database could see bipartisan backing as both Clinton and Trump have 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 October recess without any votes on gun control legislation. It is unknown if the votes will happen in the lame duck session, 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

- 2012 ○ **Deferred Action for Childhood Arrivals (DACA):** Due to a lack of bipartisan support, President Obama signed an executive order suspending deportation of immigrants who arrived in the U.S. illegally as children.
- 2014 ○ **Deferred Action for Parents of Americans (DAPA):** President Obama expanded the pool of eligible recipients of DACA by providing deportation relief to certain parents of U.S. citizens and lawful permanent residents.
- July 2015 ○ **Department of Homeland Security Appropriations Act:** The House voted to end both DACA and DAPA as a condition of funding DHS, but the Senate filibustered the measure; the House eventually passed a bill funding DHS without conditions.
- July 2015 ○ **Enforce the Law for Sanctuary Cities Act:** The House voted, mostly along party lines, to deny some federal funding for jurisdictions that prohibit law enforcement from asking people about their citizenship or immigration status. The Senate has not passed a parallel bill.
- June 2016 ○ **United States v. Texas:** After Texas and other states sued to block the implementation of DAPA, and an appeals court upheld the suit, the Supreme Court heard the challenge to Obama's executive action. Without Scalia on the bench, the Court was split 4-4 and offered no ruling. The appeals court's ruling remains and DAPA was derailed for the time being.
- Oct 2016 ○ **SCOTUS declines to rehear United States v. Texas:** The split court declined to take up the administration's appeal, which asked for the case to be tried by a nine-member-strong court.

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

- Immigration reform does not appear likely to pass in the 114<sup>th</sup> 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

- 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.
- Oct 2016 ○ **Congressional letter expresses concern over TTIP:** Sen. Orrin Hatch and Rep. Kevin Brady sent a letter to the US Trade Representative highlighting concerns about the EU’s negotiating tactics on key issues, but ultimately supporting the successful completion of negotiations.

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

- 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
- Both Senate Majority Leader Mitch McConnell and House Majority Leader Kevin McCarthy have said that they don’t foresee a vote on TPP reaching the floor in the lame duck session
- EU and US officials had hoped to complete TTIP negotiations by the end of the Obama administration, but in recent talks trade ministers have expressed doubts about the likelihood of reaching an agreement within that time frame

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; Vicki Needham, “President Obama, Congress at odds over Pacific trade deal,” The Hill, September 6, 2016; Adam Behsudi, “‘Hostage’ negotiations continue in New York,” Politico, October 4, 2016.



# LGBT rights

## Timeline of key recent federal actions on LGBT rights

- 2014 ○ **Obama's executive order:** President Obama issued an executive order barring federal contractors from discrimination against LGBT employees
- April 2016 ○ **The Russell Amendment:** Rep. Steve Russell (R-OK) slipped an amendment into the National Defense Authorization Act to legalize anti-LGBT discrimination by government contractors. When the House approved the NDAA in May, Russell's provision remained.
- May 2016 ○ **Maloney's first counter-amendment fails:** Rep. Sean Patrick Maloney (D-NY) put forth an amendment to nullify Russell's amendment. Maloney's amendment had the votes to pass when time ran out, with GOP support, but Republicans did not bring the gavel down. They held the vote open while they persuaded seven GOP legislators to switch their vote at the last minute.
- May 2016 ○ **Maloney's second-counter amendment passes, but bill fails:** Maloney re-introduced his amendment into another spending bill and it passed after GOP congressman switched their vote. After Maloney's amendment was passed, the language was changed to uphold religious organizations' right to religious freedom. However, the spending bill with the amendment eventually failed to pass the House with Republicans opposing the gay rights provision and Democrats objecting to GOP sponsored ad-ons.

### Potential actions in 114<sup>th</sup> 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 chamber, 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 exception 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 21<sup>st</sup> Century Cures Act

- May 19, 2015 ○ **21<sup>st</sup> Century Cures Act introduced:** 21<sup>st</sup> Century Cures Act is a bipartisan bill aimed at reforming the clinical trial process and providing mandatory funding for the NIH and the FDA over the next five years, via budget offsets.
- May 21, 2015 ○ **Bill was reported and amended by the House Committee on Energy and Commerce:** The U.S. House Committee on Energy and Commerce unanimously passed the 21<sup>st</sup> Century Cures bill by a vote of 51-0. The committee chair Fred Upton (R-MI) is the bill's sponsor along with 230 cosponsors (121D, 109R).
- July 2015 ○ **House voted on amendments:** In a key vote on the house floor, an amendment that would shift the NIH and FDA funding from mandatory to discretionary was struck down 141-281.
- July 10, 2015 ○ **House passed H.R. 6 the 21<sup>st</sup> Century Cures Act:** The bill passed the House by a vote of 344-77 with twelve abstentions in a bipartisan effort led by House Energy and Commerce Committee Chairman Fred Upton (R-MI) and Ranking Member Diana DeGette (D-CO).
- January 2016 ○ **Senate worked on "Innovation for Healthier Americans" initiative:** The Senate Committee on Health, Education, Labor, and Pensions started working on this initiative, meant to align with the 21<sup>st</sup> Century Cures Act.
- June 2016 ○ **Senate health committee working on companion package:** Committee Chairman Lamar Alexander (R-TN) has approached this medical research funding push by passing 19 smaller bills through his committee intended to compile into a companion package for the 21<sup>st</sup> Century Cures Act.

### Potential actions in 114<sup>th</sup> 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 reaching 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 21<sup>st</sup> 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. The Senate version S. 2680, "Mental Health Reform Act of 2016" may be considered in the lame duck session depending on political momentum.

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

- In January, 2016, Obama called on Congress to fund \$500 million in mental health reforms as part of a broader effort to address gun violence
- The HELP committee reported the Mental Health Reform Act of 2016 out of committee. Introduced by Senators Bill Cassidy (R-LA) and Chris Murphy (D-CT), the bill proposes an array of reforms and is on the Senate legislative calendar. The senators sponsoring the bill hope that it will see a floor vote in September, but a gun-rights amendment from Sen. Cornyn (R-TX) 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

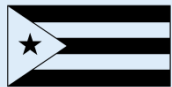
## Timeline of key recent federal actions on the opioid abuse and heroin epidemic

- 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 114<sup>th</sup> Congress

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

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 Muñon 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

- June 29, 2016 ○ **Both the House and the Senate passed the debt relief bill:** The House passed the debt relief PROMESA bill with a vote of 297 to 127, and the Senate passed the bill with a vote of 68 to 30.
- June 29, 2016 ○ **President Obama signed PROMESA bill into law:** The President signed the debt relief bill before Puerto Rico defaulted on its general obligations bonds, starting the preparations for establishing a financial control board over the island.
- July 1, 2016 ○ **Puerto Rico defaulted on general obligation debt:** Governor Alejandro Garcia Padilla prioritized paying for essential services rather than making an \$800 million payment to bondholders.
- July 15, 2016 ○ **Congress named bicameral task force on Puerto Rico:** Party leaders in both chambers appointed members to an 8-person bipartisan task force charged with developing an economic growth plan for Puerto Rico.
- Aug 31, 2016 ○ **The President announced Financial Control Board members:** The board is made up of four members backed by Republican congressional leaders, two members backed by Congressional Democrats and one picked by the President.
- Sep 30, 2016 ○ **Financial Control Board announced chairman:** The board chose Republican-backed Puerto Rican insurance executive Jose Carrion III as its chairman and set an October 14 deadline for the island’s government to deliver a financial plan.

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

- Several lawmakers and advocates have pushed for Congress to consider removing the spending caps on federal Medicaid programs in Puerto Rico
- However, it is unlikely that Congress will take further action on Puerto Rico without requests from the Task Force or the Financial Control Board

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; Eric Platt, "Puerto Rico handed deadline by debt board," *Financial Times*, September 30, 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 114<sup>th</sup> Congress

- A shorter than usual legislative calendar, together with controversies over the budget, the Supreme Court and the election, means that even a modest reform package is a long shot this year. A massive undertaking will probably occur in 2017 after the 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

- Mar 2015 ○ **Law Enforcement Access to Data Stored Abroad Act:** H.R. 1174 was referred to the Subcommittee on Crime, Terrorism, Homeland Security and Investigations. The bill would allow government entities with warrants to require electronic communication service providers to disclose the contents of a wire or communication electronically stored by providers, and has been of interest to many tech firms.
- April 2015 ○ **PATENT Act:** S. 1137 was introduced in the Senate. The bill reforms federal patent law by adding pleading and disclosure requirements for patent infringement actions. Some tech advocates have lauded the bill as a curb on patent troll activity.
- 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.
- Oct 2016 ○ **ICANN transition:** Following the failed legislative efforts of many GOP leaders to halt or postpone the transition of IANA functions from the US to an international multistakeholder model planned for the last 20 years, the transition is moving forward. The efforts against the transition include Sen. Ted Cruz’s (R-TX) Protecting Internet Freedom Act, pressure to include a stopgap measure to delay the transition in the latest CR and a last-minute lawsuit filed by four state attorneys general.

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

- Empowering Employees Through Stock Ownership Act passed in the House in late September and is headed to the Senate. The bill allows startup employees to defer their income tax payments on stock options for up to seven years. Many startup employees work at private companies where they are not able to sell their stock options
- BOTS Act, which aims to outlaw the use and sale of software circumventing ticket sellers’ web security measures, passed in the House this September. The bill now faces a Senate vote

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; 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; Grant Gross, "ICANN transition moves forward. Despite last-minute attempt to block it," PCWorld, October 3, 2016; Noun Project, Alfredo Hernandez.



# 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 passed 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 Zika-related 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:** GOP representatives passed a Zika-related provision in a spending bill with policy riders related to Planned Parenthood affiliates. 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.
- Sept 2016 ○ **Congress passes CR with \$1.1 billion for Zika response:** Congress reached a deal to fund the government and provide emergency funds for the federal Zika response.

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

- Before the beginning of FY17, Congress passed a continuing resolution that includes \$1.1 billion in emergency funding to combat the Zika virus

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.