2015 Year-End Report
114th Congress, 1st Session

The results of the 2014 midterm elections were a repudiation of President Obama, but in 2015, the president accomplished many of the goals on his agenda of “fundamentally transforming the United States of America.” He frequently used executive action to achieve his ends, but he had help from the legislative and judicial branches. The new Republican majorities in Congress failed to stop his power grabs; in a desire to prove that Republicans could “govern,” leaders pushed through several bills just because the president would sign them. The courts also empowered President Obama through their own activism. As a result, 2015 held little but disappointment for conservatives interested in restoring constitutional limits on government and preserving traditional values.

Congressional Leadership

Tension over the leadership of the House of Representatives caused some of the most dramatic moments in Washington in 2015. The 114th Congress began with a roll-call vote in the House for speaker, in which twenty-four Republican representatives voted for someone besides John Boehner and one voted present; no speaker candidate has lost so many members of his party in over one hundred years. As conservatives continued to buck the party line on important votes, including rule votes, leadership punished the dissenters in various ways, including cutting off fundraising, denying cosponsorship opportunities, and in the case of Rep. Mark Meadows (R-N.C.), taking away a subcommittee gavel (Meadows was later restored to his post). Before the August recess, Rep. Meadows filed a “motion to vacate” the speaker’s chair. It did not come up for a vote but remained an option for conservatives to pressure Boehner. Ultimately, the speaker announced his resignation on September 25th and set his departure date for the end of October.

Majority Leader Kevin McCarthy (R-Calif.) became the front-runner for speaker, but a series of gaffes and conservative skepticism derailed his candidacy. Attention turned to Ways and Means Chairman Paul Ryan (R-Wis.), who had earlier ruled out a run for the speakership. Under pressure from establishment Republicans, he changed his mind. Ryan garnered support from across the conference; the House Freedom Caucus had earlier endorsed Rep. Daniel Webster (R-Fla.), but most of its members eventually backed Ryan. On October 29th, the House elected Ryan as speaker, although nine Republicans continued to back Webster.

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The GOP congressmen voting for Webster in October were Reps. Dave Brat (Va.), Curt Clawson (Fla.), Louie Gohmert (Texas), Paul Gosar (Ariz.), Walter Jones (N.C.), Thomas Massie (Ky.), Bill Posey (Fla.), Randy Weber (Texas) and Ted Yoho (Fla.).

Education

The push to reauthorize the Elementary and Secondary Education Act dominated the education agenda in Washington. Its previous iteration, No Child Left Behind, expired in 2007, and the education committee chairmen in both Houses were determined to pass a bill.

The House’s vehicle for reauthorization was H.R. 5, the Student Success Act, which had already passed the chamber in 2013. At the beginning of this year, Chairman John Kline (R-Minn.) quickly reintroduced the bill with minimal changes and pushed it through his Committee on Education and the Workforce. By the end of February, leadership had scheduled it for consideration by the full House; skepticism from conservative members, a surge of grassroots opposition, and the simultaneous DHS funding fight forced the leadership to pull the bill before a final vote occurred. Kline subsequently negotiated with conservatives and won the support of many after agreeing to allow members to vote on amendments providing for a shorter reauthorization period, guarantees for parental opt-out from testing, and the APLUS Act. These first two amendments succeeded, and the House narrowly passed H.R. 5 in July.

In the Senate, new Chairman Lamar Alexander (R-Tenn.) of the Health, Education, Labor and Pensions (HELP) Committee made ESEA reauthorization his top priority. After releasing his own proposal weeks into this Congress, he agreed to work with ranking member Patty Murray (D-Wash.) on a bipartisan proposal. As the price of cooperation, Democrats refused any portability for Title I or significant weakening of the testing mandate, and they insisted on a new pre-K grant program. The result, S. 1177, the Every Child Achieves Act, sailed through committee and passed the full Senate by a vote of 81 to 17.

The subsequent conference report hewed closer to the Senate than House version. Negotiators dropped the most conservative elements of H.R. 5, retained the pre-K grant, and added accountability measures to appease congressional Democrats and the White House. The final product thus lost the votes of many House conservatives, who had begrudgingly supported H.R. 5, but picked up the support of liberals. The House agreed to the conference report, now labeled
the Every Student Succeeds Act (ESSA), by a vote of 359 to 64. The Senate did the same by a vote of 85-12, and President Obama signed it into law on December 10th.

**Immigration**

Congress started off the year by challenging and then surrendering to President Obama on the subject of his executive amnesties. The omnibus spending bill for FY 2015 did not fund the Department of Homeland Security for the entire year. Republicans in the House passed a DHS appropriations bill that defunded the 2012 and 2014 executive amnesties, but Senate Democrats along with Sen. Dean Heller (R-Nev.) repeatedly blocked opening debate on the bill. Eventually, Sen. McConnell (R-Ky.) moved to pass a DHS bill with no restrictions on amnesty and the House Republican leaders threw in the towel. The 2014 executive actions are currently under an injunction and the Supreme Court is reviewing their constitutionality.

Sanctuary cities became a flashpoint after the July 1st murder of Kathryn Steinle in San Francisco by an illegal immigrant attracted to the city by its refusal to cooperate with federal immigration authorities. A bill that would cut off some federal law enforcement funds to sanctuary cities, dubbed “Kate’s Law,” passed the House. Most Senate Democrats, joined by Sen. Mark Kirk (R-Ill.), joined together to deny opening debate in that chamber.

In December, immigration proponents used the rushed, secretive omnibus process to allow more low-wage workers into the United States. The 2,000-page spending bill included a provision to expand the number of H-2B visas, which allow foreign guest workers into the United States to take temporary or “seasonal” jobs.

**Life**

The House planned to recognize the 2015 March for Life by passing H.R. 36, the Pain-Capable Unborn Child Protection Act, which bans most abortions twenty weeks after conception. In an embarrassing debacle, the bill was pulled from the floor after several Republican members led by Renee Ellmers (R-N.C.) voiced their objections. Instead, the House passed the No Taxpayer Funding for Abortions Act. After minor adjustments were made to the bill, the House passed H.R. 36 in May. The Senate eventually took up the twenty-week bill in September as part of its response to the Planned Parenthood scandal, but the bill failed on a cloture vote.

In the summer, the Center for Medical Progress began releasing videos that revealed Planned Parenthood’s involvement in the sale of body parts from aborted babies. Conservatives demanded that the federal government stop sending money to this private organization, but congressional leaders failed to press the issue. The House passed a stand-alone bill sponsored by Rep. Diane Black (R-Tenn.) to cut off money, but the Senate failed to open debate. Instead of attaching the defunding language to any spending measures or other must-pass legislation, leadership included defunding in the reconciliation package. This measure passed the House and Senate but was vetoed by President Obama on January 8th, 2016.
Marriage

In one of the most outrageous acts of judicial supremacy in American history, the Supreme Court ruled 5-4 in June that states must recognize same-sex marriages. Aside from overturning marriage laws, the ruling put in jeopardy the religious freedom of those who continue to support the traditional definition of marriage. Many conservatives coalesced around the First Amendment Defense Act (FADA) as a response. This legislation would prevent the government from discriminating against those who oppose same-sex marriage for religious reasons. By the end of 2015, however, neither chamber had taken up FADA or any other legislation to counter the impact of the Court’s decision.

Nominations

In 2014, the Senate confirmed 88 judges nominated by President Obama, with a rush to confirm as many as possible occurring in the lame-duck session. Few judges thus awaited confirmation in 2015. This year, the Judiciary Committee and the full Senate have taken their time processing nominees, with only twelve receiving final approval. In particular, Sens. Chuck Grassley (R-Iowa) and Tom Cotton (R-Ark.) deserve commendation for speaking on the floor to halt Democratic requests for unanimous consent to call up nominations.

Patents

Conservatives led the charge in forestalling a business-backed measure to weaken patent rights. H.R. 9, the Innovation Act, sponsored by Judiciary Committee Chairman Bob Goodlatte (R-Va.), would make changes to the legal system that burden inventors and patent holders. It had passed the House in the 113th Congress, went through committee again in the first session of the 114th, and was expected to be on the floor in the summer. Eagle Forum joined with several other conservative and pro-inventor groups to raise awareness about H.R. 9’s flaws by organizing briefings for congressional staff and putting together coalition letters. In the House, the conservative opposition to H.R. 9 was led by Rep. Thomas Massie (R-Ky.) Most Democrats opposed the legislation, and as conservative doubts grew, House leaders pulled H.R. 9 from the floor and have not rescheduled it for a vote.

Spending

The broken appropriations process yielded some of the biggest disappointments for conservatives in 2015. Congress had not passed a budget for several years, but the new Republican majority vowed to return to an orderly budget process. In the spring, Congress approved a budget. The House then began to move appropriations bills, but Democrats bottled all of them up in the Senate. While Senate Democrats united behind a demand to lift the caps imposed by the 2011 Budget Control Act, Republicans divided between those who wanted to maintain the caps and those who were willing to lift them in order to increase defense spending. Outgoing Speaker Boehner gave up the single notable accomplishment of his tenure and negotiated a budget deal with the White House and congressional Democrats to lift the caps
and thus increase spending. The deal also lifted the debt ceiling until March 2017, giving President Obama and the Congress a blank check until then.

Appropriations were subsequently rolled into a single omnibus spending bill that was pushed through at the end of the year. In order to get Democratic votes, Republicans gave up on every conservative priority, including protections for pro-life health providers and restrictions on refugee resettlement. The only concession GOP negotiators extracted from the Democrats was a provision lifting the crude oil export ban, an item supported by the energy industry but with no grassroots interest. Like the budget deal, the omnibus bill passed with a higher percentage of Democratic than Republican support.

**Trade**

As the new Republican-controlled Congress convened, GOP leaders signalled that moving Trade Promotion Authority (TPA) would be a top priority. Many Republicans profess support for the idea of free trade, business and agricultural interests desperately sought TPA, and President Obama needed it to conclude negotiations for the Trans-Pacific Partnership (TPP). Its passage, however, proved to be a tangled process, involving not just the TPA legislation but a customs bill and deals on unrelated items such as the Export-Import Bank. The Senate went first by passing TPA with all but five Republicans joined by a bloc of Democrats in support. On the House side, House Freedom Caucus members nearly brought down the rule governing debate and amendment for TPA. Reasons for Republican opposition varied: some doubted the promised benefits of free trade, while others were more disturbed by the many concessions exchanged for Democratic support or were skeptical of any deal negotiated by President Obama. In any event, resistance from conservatives forced the House and Senate to take multiple votes on TPA and its related bills until TPA was eventually passed and signed into law in June.

TPA eased the path to finalization of the Trans-Pacific Partnership. At present, it has been completed and released but not sent to Congress to begin the approval process. Some supporters of TPA are irked by provisions dealing with particular industries, such as tobacco or pharmaceuticals. It is unclear when Congress might begin to officially review the agreement; a vote in the lame-duck session is a possibility.

**Women in Combat**

On December 3rd, Defense Secretary Ashton Carter announced the opening of all combat positions in the military to women starting in January 2016. His order provided no exemptions, even though the Marine Corps sought them for particular roles. This year’s National Defense Authorization Act reduced the time required for advanced notification of this change. Congress has taken no steps to block or delay Carter’s edict.
Crime

In recent years, sentencing reform has been the goal of a left-right coalition and the object of some executive actions. In 2015, it made headway on Capitol Hill as well. Sens. Mike Lee (R-Utah) and Dick Durbin (D-Ill.) reintroduced their Smarter Sentencing Act, which would reduce several mandatory minimum sentences and retroactively release thousands of inmates. After Judiciary Committee Chairman Chuck Grassley (R-Iowa) opposed the legislation, Lee, Durbin, and a bipartisan group of senators negotiated a compromise. Eagle Forum opposes the resulting bill, the Sentencing Reform and Corrections Act, because of its leniency towards repeat drug offenders and early release of prisoners. At the mark-up of the legislation in October, the bipartisan sponsors shot down several amendments that would have improved the bill and pushed it through the committee. Committee members Sens. Jeff Sessions (R-Ala.), Orrin Hatch (R-Utah), Ted Cruz (R-Tex.), David Vitter (R-La.), and David Perdue (R-Ga.) voted no. Majority Leader Mitch McConnell (R-Ky.) has not said whether he will bring up the measure before the full Senate. The House Judiciary Committee also approved a similar bill, with its fate before the full House yet to be seen.