



Senator John Barrasso, Chairman

January 13, 2015

House Bills Coming to the Senate

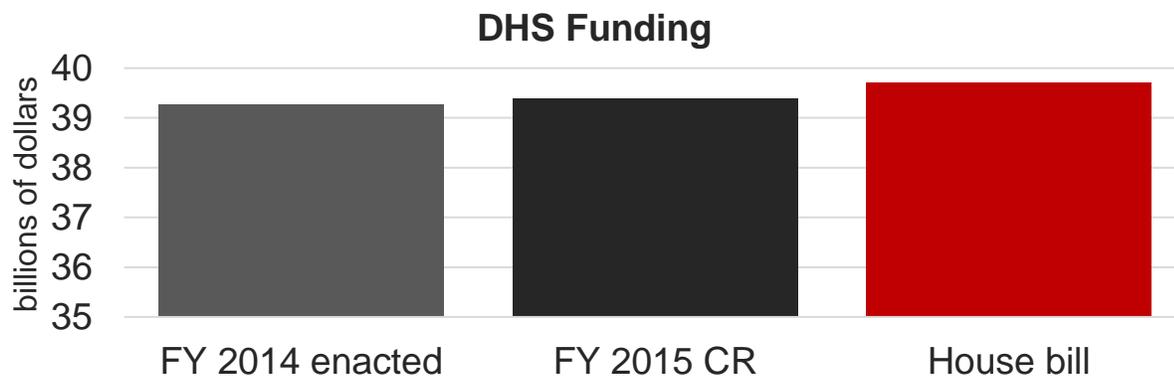
- In the last Congress, dozens of bipartisan jobs bills passed by the House were blocked by Senator Reid.
- Through regular order and an open amendment process, bipartisan jobs bills and important policy priorities will go to the president's desk.

The Senate will finally have an opportunity to take up bills passed by the House. It is important to note that Democrats will insist on a 60-vote threshold for most legislative matters. While the Senate cannot simply pass everything the House passes, bipartisan policies will make it to the president's desk. The legislative branch will pass jobs bills, as the Wall Street Journal put it on January 9, after "[debate](#), amendments, deliberation and coalition building." This will help fulfil the promise of a government that functions again.

"Mr. Reid instead wielded [the Senate] as a means of party protection – using its many procedural tools to block every bill, and to shield his members and the Obama White House from tough issues."

– Kimberley Strassel, [Wall Street Journal](#), 1/9/15

Homeland Security funding



This week, under threat of a White House veto, the House is expected to pass a bill funding the Department of Homeland Security through the end of fiscal year 2015. The bill funds DHS at \$39.7 billion in regular, non-emergency appropriations, which is \$400 million more than the fiscal year 2014 enacted level. The bill provides \$5.96 billion for U.S. Immigration and Customs Enforcement, an increase of \$689 million from 2014 funding. This includes \$3.4 billion for detention programs at

ICE. The bill provides full funding of \$124 million for the E-verify program. Customs and Border Protection is funded at \$10.7 billion, \$119 million above the 2014 funding level.

The House is expected to consider several amendments to restrict the implementation and scope of President Obama's executive overreach on immigration. The amendments include restrictions on the use of funds to carry out the president's memoranda on deferred action dating as far back as 2011, as well as the expansion of these deferred action orders last year. Another amendment constrains the executive from using funds to consider new or previously denied deferral applications. It is expected that the House also will consider an amendment that requires DHS to consider illegal immigrants convicted of domestic violence, sexual abuse, child molestation, or child exploitation as among the department's highest civil immigration enforcement priorities.

“His unconstitutional executive action is something that we’re not going to take lying down. It’s something I think we’re obligated to respond to. So a targeted way to try to address and defund that implementation of his unconstitutional executive action is something I think we have to do, but we’re not going to take any chances with the homeland.”

– Senator John Cornyn, CBS Face the Nation, 1/11/15

Health care jobs bills

Last week the House overwhelmingly [passed](#) the bipartisan Save American Workers Act by a vote of 252 to 171. Twelve Democrats joined a unanimous Republican conference in supporting the legislation. This bill replaces Obamacare's definition of a full-time employee from someone who averages 30 hours per week to someone who averages 40 hours per week for purposes of the employer mandate.

If enacted, the bill will reduce the number of employers subject to the mandate penalties and will reduce the amount of the penalties for firms in violation of the employer mandate requirements. Senators Collins, Donnelly, Murkowski, and Manchin have introduced companion [legislation](#), the Forty Hours is Full Time Act, in the Senate.

On January 7, CBO released [updated estimates](#) of the Save American Workers Act. According to CBO, the bill would increase the on-budget deficit by \$66.4 billion over the 2015 to 2025 period. Most of the deficit is caused by fewer employers paying the tax, although CBO also projects that the bill will increase federal spending by \$21.4 billion as more people qualify for subsidies and Medicaid. Additionally, CBO projects that the bill will increase payroll tax revenue by \$13.2 billion, as some employers replace health insurance with higher wages. As far as the bill's effect on coverage, CBO projects the bill will cause about a one million person drop in employer-sponsored insurance and will increase the number of people in Medicaid/CHIP/exchange coverage by between 500,000 and one million people.

On January 7, the White House issued a [statement](#) that the president would veto the bill if it passes Congress.

Last week, the House also [passed](#) the Hire More Heroes Act unanimously. The bill allows companies to exclude veterans who have health insurance through the Department of Defense or the Department of Veterans Affairs from firms' employee counts with respect to the employer mandate. This bill provides some employers with an incentive to hire veterans.

Dynamic scoring

On January 6, the House adopted its rules for the 114th Congress. These rules include a requirement for CBO and JCT to perform dynamic scoring for bills that would result in a change in GDP of more than 0.25 percent (nearly \$45 billion, based on the 2014 third quarter GDP level). The House rule leaves it up to CBO and JCT to decide exactly how to implement dynamic scoring.

Democrats have focused on the rule's application to tax cuts, but it actually applies to any revenue or mandatory spending legislation. It does not apply to annual appropriations. Keith Hennessey, former director of the National Economic Council in the Bush administration, [rebutts](#) the Democrat criticisms of dynamic scoring. He says, "the House rule doesn't create a bias for tax cuts. It eliminates a pre-existing bias against very large policy changes that would expand the supply side of the economy, including but not limited to broad-based reductions in tax rates."

In 2013 the Senate [approved](#) an amendment by Senator Portman to the budget resolution that would have required CBO and JCT to produce a dynamic score of tax legislation. All Republican members voted for this amendment.