

Important laws enacted during the 113th Congress of 2013-14
David R. Mayhew, 4/18/15.

THE LIST OF LAWS IS ON PAGES 3 AND 4.

BUT FIRST, SOME GENERAL COMMENTS. To be included in a list like this, a congressional enactment needs to be both especially innovative and especially consequential—or, on the latter count, at least it was sized up at the time of its enactment as likely to prove especially consequential. Those are the criteria that I have relied on in the two editions of Divided We Govern and in my biennial laws updates since. For appreciating the 113th Congress of 2013-14, it is well to note that these criteria exclude certain kinds of enactments—hikes in the debt ceiling (nothing new there); appropriations bills, budgets, continuing resolutions, and statutory renewals unless they contain new twists or ingredients important in their own right; and short-term renewals (as with the highway program in the 113th). Through the years, I have relied chiefly on newspaper wrapup stories to make judgments about inclusion. What is a wrapup story? It is one in which a journalist casts back through a full Congress, or a year of a Congress, or a shorter session of a Congress, making comparative assessments about what's been done that's important. In making judgments about listing laws, I have always been willing to include particular parts of enactments (as opposed to whole enactments) if they stuck out to the wrapup writers as being distinctively important in their own right.¹ Another point: for Congresses since 1990, including as far as possible right now, I have fallen back entirely on the Sweep 1 procedure of the original DWG book (that is, chiefly newspaper wrapup stories), bypassing the Sweep 2 procedure that I additionally used in that earlier work (that is, longterm retrospective policy analyses). Finally, let it be clear that I address in a list like this what a Congress does enact. I try to clock significant moves away from the policy status quo. I don't address what a Congress doesn't enact. That is, I steer clear of the vast legions of proposals by presidents, congressional parties, individual members, interest groups, issue activists and others that do not make it into law. There is no end to proposals.

Now for the bad news. It is methodological bad news. During calendar 2014, the traditional journalistic wrapup system more or less collapsed. (Very late 2013 had its problems too.) The careful lookback appraisals more or less disappeared. The journalists pretty much stopped doing what they had been doing for many decades. Even Congressional Congressional Weekly hung up its spikes. At the ends of previous years, CQW had always presented elaborate boxes and discussions of important items enacted and not enacted during Congresses. Not so at the end of 2014. (I kept looking and I don't think I missed

¹ Here are some instances from previous Congress that I have once listed as important enactments even though they won final passage as ingredients of overarching measures of one kind or another: Truman's Point Four foreign aid program in 1950, Kennedy's Alliance for Progress in 1961, Social Security hikes in 1969, 1970, and 1972, the Economic Stabilization Act of 1970 (authorizing Nixon to impose wage-price controls), the Gramm-Rudman-Hollings budget sequestration constraint of 1985, a child care package in 1990, Clinton's plan for 100,000 new teachers in 1998, creation of the September 11 commission in 2002, a minimum wage hike in 2007, and a new GI Bill of Rights in 2008.

anything.) Why this general collapse? Well, for one thing there is continuing gradual turnover in journalistic personnel; the practiced oldtimers rotate out. The coverage norms evolve. Also, 2013-14 was one of those times when it was easy to key on the White House's proposals that Congress wouldn't enact. That is always a fetching script. Yet it isn't a new script. There seem to be two other factors, and they are related. One is that today's newspapers have been keying on a newly discovered time series of "number of bills enacted" for each Congress that stretches back into the 1940s. For assessing real congressional production or productivity, it is an awful times series, yet the journalists have been buying into it. For an instance of its workout, see David Eldridge, "The Least Productive Congress in 60 Years," Roll Call, September 23, 2014, pp. 1-14. Generally speaking, that time series has sloped downhill since World War II. Here are some of this article's entries: Truman's Congress of 1949-50, during which in reality that president's program did not do very well, is reported to have chalked up over 2000 enactments; Obama's first Congress, which featured the jam-packed \$787B stimulus, the Dodd-Frank financial services reform, and Obamacare, chalked up just 385 enactments. What's going on in these summary numbers? Has the U.S. government grown dramatically less active? Not likely. A moment's thought will stir in you a well-grounded suspicion that Congress has drifted over the decades into stuffing its production into big, thick, capacious, sometimes "omnibus" bills as distinguished from individual smaller free-standing ones. In official terms, a capacious monster bill counts as one enactment. Thus we have a measurement nightmare. How are we to count things? Related to this apparent creeping omnibus-ism is the particular enactment content of 2013 and 2014. Much of it got stuffed into the controversial budget deal of December 2013, a short-term continuing resolution in September 2014, and the so-called "cromnibus" continuing resolution of December 2014. Virtually everybody got lost in the bone-crunching politics of those include-everything mega-deals and forgot to make careful, comparative, lookback, wrapup assessments of the ingredients of those deals (even if the journalists did in fact give plenty of attention, as they did, to many of those ingredients in the day-to-day non-wrapup accounts of the enactments of those mega-deals). But the bottom line: scanty or nonexistent wrapup stories of a traditional kind, even in CQW.

Not at issue is whether the Congress of 2013-14 was a very productive Congress, given some plausible benchmarks. It was not. Probably any system of judgment will render that conclusion. But the employment of "number of bills enacted" is a terrible route to that judgment. It is an especially terrible route if the mantra of "number of bills enacted" is allowed to take the place of wrapup assessments sensitive to the facts.

What to do here? For the events through November 2013, I draw on the customary wrapup stories to do their customary work. For the December 2013 budget deal and calendar 2014, I draw on certain scanty wrapup material, but I also draw on the journalistic coverage of enactments of whole bills, or of standout sections of bills, as those enactments were occurring. This is not the same as relying on wrapup stories, which offer a particular kind of comparative judgmentalism. But it is something. At least, it is an empiricism rooted in journalistic sources. Yes, there can be either type 1 errors or type 2 errors, so to speak, in

trying to measure these things absent the conventional wrapups. My recourse is an effort to steer between those difficulties.

I start by listing the enactments I came up with. Then I go on to sources and discussions. None of the listed items of 2013-14 merits a capital letter designation—that is, a judgment of really important. So far, I have given that designation to six enactments during the Obama presidency—the \$787B stimulus of 2009, Obamacare in 2010, Dodd-Frank in 2010, and the bipartisan tax deal of 2010 (a lameduck-session measure) during Obama’s first Congress; and the budget sequestration deal of August 2011 and the “fiscal cliff” deal of January 1, 2013 (another lameduck-session measure) during Obama’s second Congress.

Important laws for calendar 2013:

Superstorm Sandy aid. \$60.2 billion for insurance backup, homeowners, businesses, infrastructure, shorelines, local governments. (January—in two statutory installments)

Violence Against Women Act. Renewal of 1994 program plus extension of protections to LGBT victims, American Indians, illegal immigrants. (March)

Overhaul of student loan program. Shift from a fixed interest rate to variable rates pegged to financial market trading. (August)

Curb sexual assaults in the military. Overhaul of process to protect victims. (December—enacted as part of a defense authorization bill)

Important laws for calendar 2014:

Agriculture program. Five-year authorization; direct crop payments replaced by new risk-management design; food stamps trimmed somewhat. (February)

Water Resources Reform and Development Act (WRRDA). \$12.3 billion over ten years to back new port, dam, flood-protection projects; a new process to curb congressional earmarking. (June)

Overhaul of Department of Veterans Affairs. \$16.3 billion to curb long waits in facilities, privatize certain care. (August)

Arm and equip Syria rebels to fight against ISIL. (September—part of a short-term continuing resolution)

Flexibility for multi-employer pension plans. To ward off crisis; allows cuts in certain promised benefits to shore up plans from collapse. (December—part of the “cromnibus” funding bill)

Campaign finance loosening. A hike in the ceiling on contributions by wealthy individuals to the parties, allowing a tenfold increase in the size of donations. (December—part of the “cromnibus” funding bill)

Sources: Newspaper stories with serious lookback wrapup content covering calendar 2013:

“Divided and discourteous, Congress shows few accomplishments in first 7 months of the year,” Washington Post, online, August 3, 2013 (an Associated Press story). This is an especially good wrapup.

Manu Raju, “The (really) do-nothing Congress,” POLITICO, online, November 22, 2013

Matt Viser, “This Congress going down as least productive,” Boston Globe, December 4, 2013, pp. A1, A10.

Lauren Fox, “‘Do-Nothing’ Congress Was Way More Productive Than the Current One,” USNews, online, December 1, 2013

John Cranford, “A Series of Punts, Dodges and Weaves,” Congressional Quarterly Weekly, January 6, 2014, p. 18, plus “Highlights: 113th Congress, First Session,” p. 21. This is an especially good wrapup.

Sources: Stories with certain wrapup material covering calendar 2014, although nothing as concerted as the wrapup accounts have ordinarily been:

Alan Fram, “A near-record low for 113th Congress,” Boston Globe, December 21, 2014, p. A10.

Shawn Zeller, “Running on Empty: Few bills, but many nominees, approved last year,” Congressional Quarterly Weekly, March 16, 2015, pp. 26-29.

That’s all!

Discussions of the items included for calendar 2013:

Superstorm Sandy aid. This is a slam-dunk. After glitching in late 2013, Congress authorized \$60.2 billion in January 2014. The money came in two statutes a few weeks apart, but

everybody discusses the Sandy aid as one statutory achievement. A rump of Boehner-led House Republicans joined with House Democrats to authorize the bulk of the aid.²

Violence Against Women Act. Formally, this was a renewal of an existent program. If it had been just that it wouldn't count as being innovative and consequential. But it was also an expansion. The lengthy, controversial politics of enactment hinged on the expansion. Boehner's House majority party, with his complicity, was "rolled" again as in the Sandy aid as a GOP rump joined with House Democrats for passage. In the end, the enactment is said to have "marked an important win for gay rights advocates and Native Americans, who will see new protections under the law..."³ All five of the 2013 wrapup accounts that I list above noted the VAW act as an important measure.

Overhaul of student loan program. I wasn't sure about this enactment, but four of the 2013 wrapup accounts picked it up. Enacting it took awhile. "Congress spent a second consecutive summer debating interest rates for federal student loans." "After protracted negotiations, Congress ultimately approved legislation shifting from a fixed interest rate to variable interest rates pegged to those set in financial market trading." A bipartisan Senate compromise won out.⁴

Curb sexual assaults in the military. Here we run into trouble. The closing months of 2013 brought a swirl of conflict, angst, and uncertainty feeding into a budget mega-deal. The parties couldn't agree. Lacking funding, much of the government shut down for 16 days in October and that was about to happen again in December. Seized up by this crisis, most everybody including the journalists dwelt on it and tended to give short shrift to items that got packed into large measures that won enactment in the confusing saga of the December days. Curbing sexual assaults in the military was one such item. It piggybacked on a standard defense authorization bill (not the big budget deal proper), but it probably merits listing in its own right. Several months went into assembling it.⁵ Both chambers weighed in. On the House side, Michael Turner (R-OH) and Niki Tsongas (D-MA) had pushed reforms since 2007. "But the biggest victory to date, according to advocates, came last week [in December 2013] when legislation that Turner and Tsongas coauthored in the House was passed by both houses of Congress."⁶ Fuller media coverage went to the Senate side where five women on the Armed Services Committee advanced the issue. They disagreed among themselves. In the end, a proposal by Kirsten Gillibrand (D-NY) said to be especially ambitious lost out. That

² On the two installments: Rosalind S. Helderman, "Congress passes \$9.7 billion in Sandy aid, with some House GOP dissent," *Washington Post*, online, February 4, 2013; Malia Rulon Bleler, "Senate approves \$50.5 billion in aid for Sandy victims," *USA Today*, online, January 29, 2013.

³ Josh Lederman, "President signs expanded domestic violence legislation; Advocates for gay rights, others hail added protection," *Boston Globe*, March 8, 2013, p. A7.

⁴ "Education: Student Loan Interest Rates," *Congressional Quarterly Weekly*, January 6, 2014, pp. 43-44, quotations at 43.

⁵ For a good lengthy report on the deliberation in June 2013, see Jennifer Steinhauer, "Complex Fight in Senate Over Curbing Sexual Assaults in Military," *New York Times*, June 15, 2013, p. A13.

⁶ Bryan Bender, "For pair, a long fight on military sexual assault," *Boston Globe*, December 27, 2013, pp. A1, A4, quotation at p. A4.

loss led some witnesses to pooh-pooh the end result.⁷ Yet the result seems to stand up. “This agreement represents a huge win for justice in America’s armed forces,” declared Senators Claire McCaskill (D-MO) and Kelly Ayotte (R-NH) in a joint statement.⁸ One sizeup of the parent omnibus defense measure went: “Drawing the greatest attention were provisions cracking down on perpetrators of sexual assault and rape.”⁹ As for the content: “The new measure would prevent commanding officers from overturning sexual assault verdicts, expand a special victims counsel program for the survivors of sexual assault throughout the military and make retaliation for reporting assault a crime.”¹⁰ “The new legislation also requires those who are convicted of sexual crimes to be dishonorably discharged from service.”¹¹

Discussions of the items included for calendar 2014:

Agriculture program. This is a slam-dunk. Conventionally, the government’s agriculture programs extend for several years, they always have some novel content, and they always require heavy lifting through terrains of compromise. I have always listed these multi-year instruments as important enactments. They are not run of the mill “renewals.” As of 2014, the previous five-year plan had run out more than a year earlier. New action took awhile. House Republicans glitched on a replacement. Now, in February 2014, came a five-year deal. It ended the systems of direct payment to farmers rooted in a 1996 law, unveiled new designs for insuring crops, and cut back a bit on food-stamp spending. The Congressional Budget Office “estimates that the final version of the legislation will cost \$956 billion over 10 years...”—of which some three quarters would go to food stamps.¹² “A trillion in the trough” was The Economist’s headline.¹³

⁷ It is not unknown for a measure enacted in the wake of the loss of a more ambitious measure to be downplayed or cause confusion. An example is the Supplemental Security Income (SSI) program enacted in 1972 as a kind of fallback when Nixon’s ambitious Guaranteed Annual Income proposal tanked. SSI is a pretty big welfare-state instrument, but it was not reported that way in 1972.

⁸ Jonathan Weisman and Jennifer Steinhauer, “Bill Protects Victims of Assaults in Military,” New York Times, December 10, 2013, pp. A17, A18, quotation at A18.

⁹ Donna Cassata, “Congress Sends Sweeping Defense Bill to Obama,” Real Clear Politics, online, December 20, 2013.

¹⁰ Weisman and Steinhauer, “Bill Protects,” p. A17.

¹¹ Bender, “For pair, a long fight,” p. A4. Beyond the sources cited here, others that help an understanding of the interplay between the nice loaf and the only-half-a-loaf appraisals of this enactment include: Austin Wright and Juana Summers, “Passed in House, NDAA now heads to Senate,” Politico, online, December 12, 2013; “Defense,” a section on the Fiscal 2014 Defense Authorization, Congressional Quarterly Weekly, January 6, 2014, p. 41.

¹² On the \$956 billion: “Summary: The Farm Bill,” Congressional Quarterly Weekly, March 3, 2014, pp. 335-36, quotation at 335. On the food-stamp costs: Kristina Peterson, “Senate Clears Five-Year Farm Bill: Obama Poised to Sign Hard-Fought Measure That Revamps Agriculture Supports, Cuts Food Stamps,” Wall Street Journal, February 5, 2014, p. A6.

¹³ “A trillion in the trough: Congress passes a bill that gives bipartisanship a bad name,” The Economist, February 8, 2014, p. 27

Water Resources Reform and Development Act (WRRDA). A ten-year plan. The last such water projects measure had passed in 2007. Water bills are traditional congressional earmark territory, a custom now in disrepute. But this time, a new process ushered the Army Corps of Engineers into an early screening process to help ward off dubious projects.¹⁴ For the new bill it took quite awhile to mesh House and Senate versions. It authorizes \$12.3 billion for 34 projects over ten years, ranging from a harbor expansion in Boston to flood control in Iowa and North Dakota.¹⁵ Pre-passage, one assessment of the measure's importance went: "The legislation would affect virtually every facet of America's waterways and authorizes or reauthorizes dozens of projects, though Congress still has to pass separate bills appropriating money for them."¹⁶ Also pre-passage: "Given the current state of legislative affairs, it could become one of the most significant measures passed this year [2014] by a Congress characterized by low productivity and lower expectations."¹⁷ This one is not a slam-dunk, but it looks strong enough.

Overhaul of Department of Veterans Affairs. This "landmark bill" followed on an early-summer VA scandal.¹⁸ There were reports of "veterans dying while awaiting appointments to see VA doctors and of a widespread practice of employees covering up months-long wait times for appointments."¹⁹ An "outraged public reaction" ensued.²⁰ In a national Gallup survey in June 2014, health care for veterans ranked number one as a legislative concern.²¹ In response, Congress crafted this \$16.3 billion measure. From it, \$10 billion would go to outsourcing care to private doctors, \$5 billion to hiring more professionals at the VA, \$1.3 billion for 27 new VA outpatient clinics. Poor-performing VA executives could be fired more

. Other sources on the endgame include: Niels Lesniewski, "Deal on Farm Bill Is the Latest Breakthrough For the Beleaguered 113th Congress," Roll Call, January 28, 2014, pp. 1, 15; Ed O'Keefe and Kimberly Kindy, "Farm bill on verge of passage after a long three years of haggling in Congress," Washington Post, February 3, 2014, online.

¹⁴ Emma Dumain and Nathan Hurst, "House GOP Sees Water Bill as Post-Earmark Success," Roll Call, May 19, 2014, pp. 1, 8.

¹⁵ "President Obama Signs \$12.3 Billion Water Bill," Wall Street Journal, June 11, 2014, p. A4.

¹⁶ Henry C. Jackson, "Water projects poised to bridge D.C.'s partisan divide," Boston Globe, December 28, 2013, p. A8.

¹⁷ Carl Hulse, "A Consensus in Washington, But No Action," New York Times, April 26, 2014, pp. A1, A3, quotation at A3. Other useful sources: Nathan Hurst and Anne L. Kim, "Water Projects Bill Passes House: Despite conservative groups' taking issue with numerous aspects, Republicans vote decisively in favor; next up, reconciliation with the Senate," Congressional Quarterly Weekly, October 28, 2013, pp. 1810-11; Kristina Peterson, "Push for Transportation Funding Gains Steam," Wall Street Journal, October 28, 2013, p. A6.

¹⁸ Matthew Daly, "Senate OK's \$16b spending bill to improve VA health system," Boston Globe, August 1, 2014, p. A8.

¹⁹ Matthew Daly and Darlene Superville, "Obama signs law to boost veterans' health care," Boston Globe, August 8, 2014, p. A2.

²⁰ Ed O'Keefe, "Senators reach bipartisan deal on bill to fix VA," Washington Post, June 5, 2014, online.

²¹ Jonathan Topaz, "Poll: Fixing VA health care top issue," Politico, online, June 13, 2014.

easily.²² Government spending on veterans' health care was projected to double over the next three years; it would "dramatically expand."²³

Arm and equip Syria rebels to fight against ISIL. This was the high-policy-attention component of a messy, very short-term budget continuing resolution passed in September 2014 (not to be confused with the longer-term omnibus measure approved later in December). The White House asked for this Syria authorization. It was a surprise move growing from new events in the Middle East. It came "in light of great public concern over terrorist activity in Iraq and Syria, sparked in large part by the beheadings of two Americans."²⁴ The White House put in a full stack. "Obama and Vice President Joe Biden began to personally engage with lawmakers more than they have at any point this year. The intense lobbying was a departure for a president who has been repeatedly knocked by both parties for failing to do enough schmoozing on Capitol Hill."²⁵ Congressional debates and a bipartisan result ensued. Most members of both parties in both House and Senate came aboard, although there was sizable dissent.²⁶

Flexibility for multi-employer pension plans. Here we hit more trouble. Are any items listable from the behemoth "omnibus" measure of December 2014? Whatever anybody wanted to do, they tried to load it into the omnibus. Judgment calls are in order, given the dearth of careful end-season wrapup stories. One plausible such item is this pension law reform. It is rollback of sorts, a dent into the protections offered by the Employee Retirement Income Security Act of 1974 (ERISA) in that it allows cuts into benefits that some retirees receive. Yet certain unions pressed hard for the new move, and it grew from a bipartisan compromise arranged by House members John Kline (R-MN) and George Miller (D-CA)—Miller a Bay Area liberal with strong union connections (Miller was retiring at this time himself; he really wanted this legislation). Here was the problem: Certain multi-employer pension plans in industries such as construction, retail, manufacturing and transportation were underfunded and headed for collapse. Something needed to be done, it was said. This new provision allows a flexibility to curtail benefits so as to keep the plans from collapsing. One assessment: "For the first time, the benefits of current retirees could be severely cut, part of an effort to save some of the nation's most distressed pension plans. The change would alter

²² Daly, "Senate OK's." On the enactment process, see also Lauren French and Burgess Everett, "How the VA deal came together," [Politico](#), online, July 28, 2014; Theodore Schleifer and Richard A. Opiel, Jr., "Negotiators Detail Plan To Overhaul V.A. System" [New York Times](#), July 29, 2014, p. A11.

²³ Matthew Daly, "Bill would double spending for US veterans' health care," [Boston Globe](#), June 15, 2014, p. A10.

²⁴ Caitlin Huey-Burns, "Time Short, To-Do List Long, Congress Takes Up ISIL Steps," [Real Clear Politics](#), online, September 11, 2014.

²⁵ Manu Raju, Jake Sherman and John Bresnahan, "The deal that upended Washington's September," [Politico](#), online, September 11, 2014.

²⁶ Ed O'Keefe and Paul Kane, "House approves Obama's Iraq-Syria military strategy amid skepticism," [Washington Post](#), online, September 17, 2014; Siobhan Hughes, "House Backs Aid to Fight Islamic State," [Wall Street Journal](#), September 18, 2014, p. A4; Niels Lesniewski, "Senate Votes to Fund Syrian Rebels Against ISIS, Avert Government Shutdown," [Roll Call](#), online, September 18, 2014; Kristina Peterson and Michael R. Crittenden, "Senate Backs Syria Strategy," [Wall Street Journal](#), September 18, 2014, p. A4; David Espo and Donna Cassata, "Senate backs Obama plan to equip rebels; Proposal earns support from Democrats, GOP," [Boston Globe](#), September 19, 2014, p. A5.

40 years of federal law and could affect millions of workers....”²⁷ Another assessment: “Even if you are not affected by the legislation, its passage is historic—it signals a crack in a door that so many people felt couldn’t be opened. It sets a precedent.”²⁸ From a Wall Street Journal editorial: “In a better Congress, this reform would pass separately through regular order. But unions are desperate for a fix, and Republicans can rightly take credit for preventing a bailout while getting Democratic cover for benefit cuts.”²⁹

Campaign finance loosening. More from the cromnibus—a surprise last-minute ingredient sprung by Democratic and Republican leaders to the despair of many Capitol Hill liberals. The parties were running short of cash to fund their conventions. So, curtains for the existent constraints on contributions. By way of a legislative rider, the cromnibus enactment would “dramatically expand the amount of money that wealthy political donors could inject into the national parties, drastically undercutting the 2002 landmark McCain-Feingold campaign finance overhaul. Bottom line: A donor who gave the maximum \$32,400 this year to the Democratic National Committee or Republican National Committee would be able to donate another \$291,600 on top of that to the party’s additional arms—a total of \$324,000, ten times the current limit.”³⁰ One assessment: This new provision “dramatically reorders the political money system.... In practice, the new limits will put lawmakers back in the business of raising super-sized checks from an elite pool of wealthy donors.”³¹ “This makes the Great Train Robbery look like a petty misdemeanor,” commented longtime champion of campaign finance reformer Fred Wertheimer.³² All this happened very fast. They pulled it out of a hat. It is a reminder that months of deliberation and wrenching conflict are not a necessary preface to congressional action.³³

Discussions of certain items NOT judged to be innovative and consequential, going by the journalistic coverage, and thus not listed. Some of these items were close calls.

Not listed, calendar 2013:

²⁷ Ed O’Keefe, “What’s in the spending bill? We skim it so you don’t have to,” Washington Post, online, December 10, 2014.

²⁸ Michelle Singletary, “New law lets some pension plans cut promised benefits,” Washington Post, online, December 20, 2014.

²⁹ “Washington’s Pension Non-Bailout,” Wall Street Journal, December 12, 2014, p. A14.

³⁰ O’Keefe, “What’s in the spending bill?”

³¹ Eliza Newlin Carney, “Boon to Parties Is Just Beginning: The sky’s the limit for donors under the changes to campaign finance rules tucked into the spending law,” Congressional Quarterly Weekly, January 5, 2015, pp. 22-23, quotation at 22. For another in-depth account, see Michael J. O’Neill, Stephen P. Roberts and Tim L. Peckinpugh, “National Political Parties Get a Christmas Bonus: Major Campaign Finance Provisions in Must-Pass Legislation,” K&L Gates, online, December 10, 2014.

³² Quoted in David Rogers, “Budget bill shows GOP’s new muscle,” Politico, online, December 9, 2014.

³³ See also Michael J. O’Neill, Stephen P. Roberts and Tim L. Peckinpugh, “National Political Parties Get a Christmas Bonus: Major Campaign Finance Provisions in Must-Pass Legislation,” K&L Gates, online, December 10, 2014; Peter Overby, “In Spending Bill, A Gift for Political Party Fundraising,” NPR, online, December 9, 2014.

The budget mega-deal of late 2013. Budget deals can be innovative as well as consequential. Witness the deal of August 2011, which brought a serious rearrangement of the country's future finances through sequestration. But did the deal of late 2013 qualify? I concluded probably not, despite the multi-month huffing and puffing, the government shutdown, and the big money involved. They don't get points for keeping the government from shutting down. Nothing innovate in that (although, yes, such a result is consequential in its own terms). What did the December 2013 deal bring? A slight relaxing of the 2011 sequester plan plus a projection that the deficit would fall by \$85 billion over a decade—a figure that looks like writing in the sand. Generally speaking, the reviews were not thumbs-ups. "Little more than a cease-fire."³⁴ "The plan is modest in scope, compared with past budget deals and to once-grand ambitions.... lawmakers were relieved they could reach even a minimal agreement."³⁵ "Compromise Is No Big Deal: Despite fanfare, the budget agreement will not reduce policy fissures nor forestall future shutdowns."³⁶ They passed the deal "by carefully avoiding addressing the nation's most pressing fiscal issues."³⁷ The result was "a last-minute budget deal that allowed lawmakers to say they had established new spending limits for fiscal 2014 and 2015 to make it easier to pass spending bills in an election year."³⁸

Not listed, calendar 2014:

The cromnibus bill of December 2014. No points for a continuing resolution, no matter how big or contentious it is.

Rollback of Dodd-Frank financial services reform of 2010. At issue was a rider to the December cromnibus narrowing a provision ushered into Dodd-Frank by Senator Blanche Lincoln (D-AR) as she faced reelection in 2010. This Lincoln item was a provision "requiring banks to 'push out' some of their riskiest derivatives-trading activities into affiliates ineligible for federal backstop programs such as deposit insurance."³⁹ Subsequently, the banks pressed to mitigate this constraint, and by way of the new cromnibus rider they succeeded. Whether to list this victorious rider as an important enactment was a tough call. On the one hand, many liberals on Capitol Hill saw it as important and went ballistic about it. "Democrats, including Mrs. [Nancy] Pelosi [D-CA] and Ms. [Elizabeth] Warren [D-MA], expressed sharp concerns about [both the Dodd-Frank and the campaign finance rollback riders].... The

³⁴ Lori Montgomery, "Budget deal expected this week amounts to a cease-fire as sides move to avert a standoff," Washington Post, online, December 8, 2013.

³⁵ Janet Hook, "Deal Brings Stability to U.S. Budget," Wall Street Journal, December 11, 2013, pp. A1, A8, quotation at A1.

³⁶ Daniel Newhauser and Humberto Sanchez, "Compromise Is No Big Deal," Congressional Quarterly Weekly, December 16, 2013, pp. 2082-86, quotation at 2082.

³⁷ Adriel Bettelheim, "Aim Low, Fire With Care: Legislation can succeed when the goals are small and deal-makers avoid the nation's biggest issues," Congressional Quarterly Weekly, January 6, 2014, pp. 12-17, quotation at 12.

³⁸ "Highlights: 113th Congress, First Session," Congressional Quarterly Weekly, January 6, 2014, p. 21.

³⁹ Kristina Peterson, Siobhan Hughes and Michael R. Crittenden, "House Clears Bill to Avoid Shutdown," Wall Street Journal, December 12, 2014, pp. A1, A4, quotation at A4.

provision that drew the most Democratic criticism would undo a provision in Dodd-Frank requiring banks to ‘push out’....”⁴⁰ Minority Leader Pelosi “broke with the [Obama] administration over a provision in the bill that would roll back regulation of the Dodd-Frank Act, which Ms. Pelosi said was a giveaway to big banks....”⁴¹ On the other hand, some appraisals in print and online sources cast doubt on the substantive importance of the rollback. Perhaps it didn’t amount to a great deal. The House had voted for it previously without much fuss: “The exact language included in the spending bill has previously passed the House with bipartisan support—70 Democrats voted in favor of that bill last year, while 119 opposed it.” The White House is said to have been relaxed about the rider: “You probably won’t find anyone to say it out loud, but the swaps push-out provision has always been on the short-list of Dodd-Frank modifications the Obama administration has been willing to eventually consider.”⁴² Another size-up: “Rolling back the Push-Out reduced industry costs and risk management complexity, but does not greatly impact the swaps market.”⁴³ For his part, Paul Krugman at The New York Times slammed the rollback as “utterly indefensible” but went on to argue that “regulating insured banks is something of a sideshow, since the 2008 crisis was brought on mainly by uninsured institutions like Lehman Brothers and A.I.G.... [I]n itself last week’s action wasn’t decisive.”⁴⁴ Again, I found it a tough call whether to list this one. Either choice could be defended. But I decided that the modesty of the substance outweighed the symbolism.

Aid package to Ukraine. March 2014. \$1 billion in loan guarantees. Allows further sanctions against Russia over its annexation of Crimea. Not enough press emphasis.⁴⁵

More Ukraine aid, Russia sanctions. December 2014. Not enough press emphasis.⁴⁶

⁴⁰ Ibid.

⁴¹ Ashley Parker and Robert Pear, “House Narrowly Passes Bill to Avert Shutdown; \$1.1 Trillion in Spending; In 219-206 Vote, Democrats Balk and Pelosi Breaks With White House,” New York Times, December 12, 2014, pp. A1, A22, quotation at A1.

⁴² Both quotations from Victoria McGrane, “Swap Talk: Why Are People Fighting Over Dodd-Frank and Derivatives?” Washington Wire, online, December 10, 2014.

⁴³ “Key points from Congress’s roll-back of the Swaps Push-Out,” First Take: A publication of PwC’s financial services regulatory practice, online, December 16, 2014.

⁴⁴ Paul Krugman, “Wall Street’s Revenge: Dodd-Frank Damaged in the Budget Bill,” New York Times, December 14, 2014, online.

⁴⁵ But see Paul Lewis, “Congress approves major Ukraine aid package,” The Guardian, online, March 27, 2014; Seung Min Kim, “Ukraine bills clear House, Senate,” Politico, online, March 27, 2014.

⁴⁶ But see Peter Baker, “Obama Signals Support for New U.S. Sanctions to Pressure Russian Economy,” New York Times, December 16, 2014, online.