

Legislative Forecast for the 115th Congress

January 9, 2017

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A guide to this legislative forecast

Issues covered in this month's legislative forecast

-
- Affordable Care Act
 - Appropriations
 - Conflict in Iraq and Syria
 - Criminal justice reform
 - Cybersecurity
 - Defense appropriations
 - Education
 - Energy and environment
 - Farm Bill
 - Financial regulation
 - Immigration
 - International trade
 - Iran nuclear negotiations
 - LGBT rights
 - Medicare
 - Tax reform
 - Technology

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

Archived issues (Major legislative or administration actions in 2015 and 2016)

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- Chemical reform
 - Debt ceiling
 - Export-Import (Ex-Im) Bank
 - Federal Reserve
 - Gun control
 - Highway Trust Fund
 - Keystone XL
 - Medical research funding
 - Mental health
 - Opioid abuse and heroin epidemic
 - PATRIOT Act/USA FREEDOM Act
 - Puerto Rico bailout
 - Zika funding

Please see previous legislative forecasts or contact the Presentation Center for details on these topics.



The Legislative Agenda for 2017

Key dates and prospective items on the legislative agenda in 115th Congress

Jan	Feb	Mar	April	May	June	July	Aug	Sep	Oct	Nov	Dec
Beginning of 115 th Congress	DNC chair election	Debt limit expires	Approps: Deadline to pass a new CR	G7 meeting	SCOTUS term ends	G20 summit	Congress on summer recess		End of FY 2017	Election day	
Presidential inauguration			Trump's 100 th day in office								
ACA: End of open enroll. period											

Possible actions, timing unknown

- Affordable Care Act:** President-elect Donald Trump and Congressional Republicans have promised to repeal and replace Obamacare
- Conflict in Iraq & Syria:** Bilateral talks between the U.S. and Russia broke down in early October 2016; unclear when or if they will restart
- Cybersecurity:** In the 115th Congress, it is possible that encryption will receive renewed legislative attention
- Energy & Environment:** Negotiations for a comprehensive energy bill are expected to resume in the 115th Congress
- Financial Regulation:** House Finance Committee Chairman Hensarling has signaled that he will release an updated version of the CHOICE Act
- Immigration:** Trump and Congress may invoke a 2006 law authorizing funds for a border wall, pending the appropriations process
- Medicare:** Congressional Republicans, including Speaker Ryan, have expressed an interested in reforming Medicare and turning it into a “premium support” system
- Tax Reform:** The Trump administration is likely to prioritize tax reform; Congressional Republicans will address the issue in the 115th Congress
- Tech:** The Trump administration can undue significant technology regulations, such as net neutrality; however, such topics are subject to judicial challenges

Sources: National Journal Research, 2017.



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.
- 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.
- Jan 2017 ○ **Beginning of 115th Congress:** The Republican-controlled Congress is targeting ACA repeal as an urgent priority, but the details of such a plan have yet to be finalized; Speaker Ryan announced that the GOP will put forward a replacement plan later in 2017

Potential actions in 115th Congress

- With Republicans in control of the presidency and both chambers of Congress, the GOP is poised to act on their promise to repeal the Affordable Care Act
- Congressional Republicans have signaled the possibility of a "repeal and delay" strategy, which would likely entail using the budget reconciliation process to dismantle and defund the ACA, while leaving time to develop a replacement plan
- However, a number of lawmakers from both parties have expressed concern over the uncertainty and instability that will result
- House Speaker Paul Ryan (R-WI) has touted his "A Better Way to Fix Health Care" plan as a possible starting point for Republicans to replace the law; Trump's HHS Secretary-Nominee Tom Price, also has a possible replacement plan, called the "Empowering Patients First Act"

Sources: National Journal Research, 2017; 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, "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

- Nov 2015 ○ **Bipartisan Budget Act of 2015:** A compromise budget deal was signed into law, increasing both defense and nondefense spending, cutting some entitlement spending, and specifies defense spending for fiscal year 2017.
- Feb 2016 ○ **President's FY17 budget request:** The President's budget request adhered to the numbers set by the Bipartisan Budget Act of 2015, and included several initiatives with potential bipartisan support, including a cancer research program and an opioid epidemic response.
- July 2016 ○ **Senate passes three approps. bills before summer recess:** After Congress's decision to pass appropriations bills individually, the Senate passed the HUD, Milcon-VA and Energy and Water Development appropriations bills by mid-July.
- July 2016 ○ **House passes five approps. bills before summer recess:** The House passed the Defense, Financial Services, Interior, Legislative Branch, and Milcon-VA appropriations bills before departing for the summer recess. The House also voted on the Energy and Water Development approps. bill but the measure failed.
- Sept 2016 ○ **Congress passes a continuing resolution:** With an October 1 budget deadline approaching, Congress passed a continuing resolution extending the deadline to December 9. The continuing resolution also included \$1.1 billion in funding for Zika relief.
- Dec 2016 ○ **Congress passes a second continuing resolution:** The new continuing resolution passed by Congress extends the deadline to April 28, 2017, allowing the appropriations process to be finished up by a Republican majority Congress.

Potential actions in 115th Congress

- The new deadline for appropriations is set for April 28, 2017 meaning that the appropriations process for FY18 will likely be tabled until appropriations for FY17 are finished.
- President-elect Donald Trump's transition team has signaled to congressional Republican leaders that Trump prefers to fund his promised Mexico border wall through the current appropriations process, suggesting that Mexico would reimburse the US for the cost of the wall later. Moving forward with this plan could result in a government shutdown as Senate Democrats hold the potential to stall the appropriations process over the contentious issue.

Source: Kelsey Shell, "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; Manu Raju, Deirdre Walshe and David Wright, "Trump asking Congress, not Mexico to pay for border wall," *CNN*, January 6, 2017.



Defense Appropriations

Timeline of key recent federal actions on defense appropriations

- Feb 2016 ○ **President Obama submitted FY2017 budget request:** The request provided \$524 billion in base discretionary funding for national defense and \$59 billion for wartime Overseas Contingency Operations (OCO), a total of \$583 billion.
- May 2016 ○ **House passed H.R. 4909, NDAA for FY 2017:** In a 277-147 vote, the House authorized \$543 billion in base discretionary funding and \$59 billion in OCO funds. The White House threatened to veto the bill because it directed \$18 billion in OCO funds to programs that usually fall under the DOD's regular appropriations, which is capped under a 2015 bipartisan budget agreement.
- June 2016 ○ **Senate passed S. 2943, NDAA for FY 2017:** In a 85-14 vote, the Senate approved \$602 billion defense authorization bill. Unlike the House version, the Senate fully funded OCO. They also included a measure requiring women to register for the selective service. The White House threatened to veto the bill due to its acquisition reform provisions and protections against closing Guantanamo bay.
- June 2016 ○ **House passed H.R. 5923, Department of Defense Appropriations Act for FY 2017:** The House approved a \$576 billion defense spending bill, including \$59 billion in OCO funding. The OCO fund contained \$16 billion in base spending, which would run out by April 2017, forcing the next president to request supplemental funding for wartime operations. The White House again threatened a veto.
- Dec. 2016 ○ **Senate and House pass S. 2943, NDAA for FY 2017:** Both chambers passed the NDAA compromise bill by margins large enough to overcome a veto. The bill excluded the Senate provision requiring women to register for the draft and a religious freedom measure potentially allowing for federal contractors to discriminate against workers. The bill authorizes \$618.7 billion in spending, including over \$67 billion for OCO. President Obama signed the bill into law, but expressed disappointment with many of its provisions.

Potential actions in 115th Congress

- Passage of the NDAA ensures that Obama will be unable to close Guantanamo Bay before the end of his term
- Passage of the bill suggests the GOP is likely to push initiatives to increase military capabilities in the Trump administration
- Trump has called for an end to the cuts in defense spending enacted in the 2013 budget sequester, which would amount to about \$500 billion in additional investment over 10 years

Sources: Roxana Tiron, "House votes to shortchange war-fighting fund to buy aircraft," Bloomberg, May 18, 2016; Joe Gould, "Senate approves defense policy bill, baiting veto," Defense News, June 14, 2016; Rebecca Kheel, "White House threatens to veto \$576b defense spending bill," The Hill, June 17, 2016; Jeremy Diamond, "Trump calls for military spending increase," CNN, September 7, 2016.



Conflict in Iraq and Syria

Timeline of key recent federal actions on the Iraq and Syria Conflict

- 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 2015 ○ **Partial Ceasefire Agreement:** The US-led coalition, Russia, and parties in Syria agreed to a ceasefire agreement that came into effect on Feb 27th. The ceasefire does not prohibit attacks on ISIS or other UN designated terrorist organizations
- Feb 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
- May 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
- Dec 2016 ○ **Obama approves an additional 200 troops for deployment to Syria:** The deployment brings the number of American forces in Syria up to 500
- Dec 2016 ○ **East Aleppo falls to a Syrian regime offensive:** Assad's army captured the rebel stronghold with support from Russian and Iranian-backed forces, after weeks of humanitarian crisis cause by the siege of the city
- Jan 2017 ○ **The Pentagon acknowledged additional US troop presence in Iraq:** There are 450 U.S. troops in and around Mosul mentoring Iraqi forces, bringing the total number of US troops in the country to around 6,000

Potential actions in 115th Congress

- Although the U.S. suspended bilateral talks with Russia over Syria, Trump has said he will work to improve ties with Russia, so talks could resume in January
- As ISIL's territory continues to shrink, international forces have set their eyes on taking back Raqqa after the Mosul offensive, but it remains to be seen what action will be taken in 2017
- Though Trump promised to take a stronger stance against ISIS, he also criticized full-scale American military deployment abroad; it is not clear what his administration's policy towards the conflict in Iraq and Syria will be

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; Salah Nasrawi, "What is Trump's next move in Iraq?" *Al Jazeera*, Nov. 11, 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.
- 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.
- Jan 2017 ○ **115th Congress is sworn in**
- Jan 3, 2017 ○ **H.Res. 16: Supporting local law enforcement agencies in their continued work...**
This is a resolution introduced in the House to support and encourage local police departments in their use of body cameras
- Jan 3, 2017 ○ **H.R. 61: To provide for the expungement and sealing of youth criminal records**
This bill was introduced by Sheila Jackson Lee (D-TX)
- Jan 5, 2017 ○ **S. 52: A bill to make aliens associated with criminal gang inadmissible, deportable, and ineligible for various forms of relief**
This bill was introduced by Chuck Grassley (R-IA) and reflects the priorities President-elect Trump said he would support during his campaign

Potential actions in 115th Congress

- President Obama expressed interest in prison reform, but the 114th Congress did not deliver a bipartisan reform bill in 2016 before he left office, instead deciding to focus on other key legislation
- In the 114th Congress there was some bipartisan support for reducing sentencing for certain crimes
- Some Republicans in the Senate lead by Jeff Sessions opposed this effort and expectations about how Sessions’s role as attorney general in the Trump administration will impact this are mixed
- On the one hand, Sessions will no longer be in the Senate Judiciary Committee to lead the opposition, but on the other he will be President Trump’s top advisor on the issue
- The Adam Walsh Reauthorization Act and reauthorization of juvenile justice programs is expected to be considered in the 115th Congress

Sources: Congress.gov, “S.2123 –Sentencing Reform and Corrections Act of 2015,” 114th Congress (2015-2016), October 2015; Jack Martinez, “Senators Announce Bipartisan Criminal Justice Reform Legislation,” Newsweek, October 1, 2015; Seung Min, Kim, “Compromise Struck on Criminal Justice Reform,” Politico, April 28, 2016; Mark Disler, “From intellectual property to criminal justice reform: what you need to know for the Judiciary Committees in the 115th Congress,” Prime Policy Group, December 16, 2016; Govtrack.us..



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)
- Sep. 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
- Sep. 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)
- Sep. 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
- Sep. 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
- Sep. 2016 ○ **Election cybersecurity:** Rep. Hank Johnson (D-GA) introduced 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

Potential actions in 115th Congress

- The election of Donald Trump and the reelection of Sen. Richard Burr (R-NC) could spur action on encryption
- Trump previously called for an Apple boycott during the company’s conflict with the FBI, while draft legislation co-sponsored by Burr earlier this year would have required companies to comply with court orders to decrypt customers’ communications and devices
- Rep Michael McCaul (R-TX) and Sen. Mark Warner (D-VA) have also proposed legislation calling for the creation of a National Commission on Security and Technology Challenges to address the encryption debate

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; Amir Nasr, "A tale of two encryption bills," Morning Consult, March 23, 2016.



Education

Timeline of key recent federal actions on education

- July 8, 2015 ○ **Student Success Act:** The House passed a NCLB replacement bill which would eliminate federal mandates for educational standards and poor performing schools, allow schools and parents to opt-out of standardized testing, and change the funding formula to have money follow individual low-income students rather than stay at schools with the most low-income students. The bill passed with no Democratic support.
- July 16, 2015 ○ **Every Child Achieves Act of 2015:** The Senate passed a bipartisan bill put together by Sens. Lamar Alexander (R-TN) and Patty Murray (D-WA), which would maintain annual standardized tests and funding for low-income schools while reducing the Education Department’s oversight and regulatory authority over state programs designed to improve educational outcomes for low-income and minority students.
- Dec 10, 2015 ○ **Every Student Succeeds Act of 2015:** President Obama signed the Every Student Succeeds Act into law, a replacement for No Child Left Behind Act. The law limits the federal government’s role in education policy but keeps annual testing requirements. Examples of how the law expands state control include: allowing states to determine their own accountability goals to measure student performance and letting states determine how to intervene in failing and underperforming schools.
- December 2016 ○ **Trump nominates Betsy DeVos for education secretary:** Trump nominated billionaire Betsy DeVos, a charter school and school choice advocate, to serve as education secretary. Devos’s confirmation date is set for early January.
- January 2017 ○ **Gov. Cuomo announces plan for free public higher education in New York:** The Democratic governor of New York, Andrew Cuomo, proposed a three-year plan to eliminate public college education for families making less than \$125,00 a year by 2019.

Potential actions in 115th Congress

- Betsy DeVos, Trump’s nominee for education secretary, is a strong supporter of charter schools and school choice, so it is likely that the administration will advocate free-market education policies
- While Hillary Clinton proposed plans for free community college and debt-free public higher education, Trump has not signaled an openness to increased spending to alleviate student debt

Sources: National Journal Research, 2015, Blake Neff, “No Child Left Behind Might Actually Get Replaced,” Daily Caller, April 16, 2015; Pete Kasperowicz, “House votes 221-207 to limit federal control over education,” The Hill, July 13, 2015; Sam Dillon, “Obama to Waive Parts of No Child Left Behind,” The New York Times, Sep 22, 2011; Anya Kamenetz, “It’s 2014. All Children Are Supposed to Be Proficient. What Happened?” NPR, Oct 11, 2014; Joy Resmovits, “States Struggle to Overhaul Schools After No Child Left Behind,” Huffington Post, Jan 6, 2014; Alia Wong, “Life After No Child Left Behind,” Atlantic, July 8, 2015; Lyndsey Layton and Emma Brown, “Senate Passes No Child Left Behind Rewrite, Would Shrink Federal Role,” Washington Post, July 16, 2015, Christopher Magan, “Kline to chair No Child Left Behind conference committee,” Pioneer Press, July 30, 2015; Jennifer C. Kerr, “What Your Need to Know About the No Child Left Behind Rewrite,” Huffington Post, Nov. 20, 2015.; Gregory Korte, “The Every Student Succeeds Act vs. No Child Left Behind: What’s Changed?” USA Today, Dec 11, 2015; PR Newswire, “Bipartisan Child Nutrition Bill Passes Senate Committee,” Jan. 20, 2016



Energy and Environment

Timeline of key recent federal actions on energy

- 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.
- Dec. 12, 2016 **The Water Resources Development Act (WRDA) becomes the Water Infrastructure Improvements for the Nation Act and is signed by President Obama:** The new bill, which combines WRDA and other water infrastructure legislation, passes the House and Senate and is signed into law, providing aid for Flint, Michigan

Potential actions in 115th 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. Negotiations will likely begin again early in the 115th Congress
- The Senate Energy and Water Appropriations Bill could struggle to pass as an entirely GOP-controlled Congress and an incoming Republican president could mean that passing a CR is more likely
- Renewable energy tax credits were not included in the FAA Reauthorization Bill so a new vehicle will be needed for extension, although it seems unlikely
- Legislation could be crafted to block the Clean Power Plan to ensure it would not be implemented regardless of a decision from the Supreme Court
- President-elect Trump has promised regulatory rollbacks and could go through Congress to do so

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.



Farm Bill

Timeline of key recent federal actions on the farm bill

- 1933 ○ **First Farm Bill introduced:** Economic depression and the Dust Bowl prompt the introduction of the first “Farm Bill,” called the Agriculture Adjustment Act of 1933
- 1965 ○ **Food stamp program made permanent:** Johnson signs the Food Stamp Act which had been a pilot program since 1962
- 1973 ○ **First omnibus farm bill:** The Agriculture and Consumer Protection Act combined the farm regulation aspects with amendments to the food stamp program
- 1985 ○ **Conservation programs added:** The Sodbuster, Swampbuster, and Conservation Reserve Programs are added to the 1985 farm bill, The Food Security Act of 1985
- 1990 ○ **Organic certification and rural development added:** The Food, Agriculture, Conservation, and Trade (FACT) Act of 1990 creates standards for organic production as well as establishes the Rural Development Administration in the USDA
- 2002 ○ **Extension of food stamps to non-citizens:** Some groups of low-income legal immigrants can now apply for food stamps
- 2014 ○ **Farm bill passes two years late:** Provisions included an \$8 billion cut to SNAP and a loosening of restrictions on growing industrial hemp
- July 2016 ○ **Hearing on fraud and errors in SNAP:** The House Financial Services Committee passed the Financial CHOICE Act by a vote of 30 to 26
- Nov. 2016 ○ **Hearing on innovation in SNAP:** The House Agriculture Committee held a hearing to evaluate the innovative strategies retailers are utilizing to improve access to nutritious food and on how they can integrate these systems into SNAP

Potential actions in 115th Congress

- Trump has no agricultural background, but won the presidential election with the strong support of rural America – they expect to see him emphasize rural communities
- Trump’s agriculture policy has been shaped by his agricultural advisory team, but will be most heavily influenced by his choice for Secretary of Agriculture, whom he has yet to choose
- While Trump has disparaged international trade agreements, the agricultural sector strongly supported the opening of Asian markets through the Trans-Pacific Partnership (TPP)
- Republicans in Congress have been critical of welfare programs like SNAP and have discussed separating the program from the farm bill
- Hearings related to the 2018 Farm Bill have already started, but more major consideration is expected to ramp up this spring

Sources: Renée Johnson and Jim Monke, “What is the Farm Bill,” Congressional Research Service, November 8, 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
- Dec 2016 ○ **Interest rate increase:** Members of the Federal Reserve increased the interest rate
- Jan 2017 ○ **Bye-bye Dodd Frank:** Rep. Jeb Hensarling (R-TX) announces that one of the main priorities of the House Financial Services Committee will be to repeal Dodd-Frank

Potential actions in 115th Congress

- With Trump winning the 2016 US Presidential election and Republicans controlling both chambers of Congress, many financial analysts expect Rep. Jeb Hensarling (R-TX) to propose his Financial CHOICE Act bill in the 115th Congress. During the campaign, President-elect Trump made financial deregulation a central part of his platform.

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.



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, 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.
- 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. The Court was split 4-4 and offered no ruling, so the appeals court's ruling remains.
- 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.
- Nov. 2016 ○ **Trump pledges to deport 2-3 million undocumented immigrants and defund sanctuary cities:** Trump said all undocumented immigrants guilty of committing a crime would be deported and pledged to cancel all funding to sanctuary cities in his first 100 days.
- Jan. 2017 ○ **GOP lawmakers and Trump's transition team consider using the 2006 bipartisan Secure Fencing Act:** The multibillion-dollar law gives Congress the authority to construct partial fencing along the border.

Potential actions in 115th Congress

- Sens. Joe Manchin (D-WV), Jon Tester (D-MT), Heidi Heitkamp (D-ND) and Joe Donnelly (D-IN) are up for reelection in 2018 in states that Trump won. They voted for the bipartisan 2013 Senate "Gang of Eight" comprehensive immigration bill creating a path to citizenship for undocumented immigrants. However, in the face of tough Republican challengers in 2018, they may vote with the GOP on border security measures
- GOP lawmakers who have expressed support for a path to citizenship in the past now agree that border security is the first step to comprehensive reform

Sources: Ruarí Arrieta-Kenna, "Sanctuary cities stand firm against Trump," December 12, 2016; "Here's the Republican Strategy for Stopping Obama on Immigration," Vox, January 13, 2015; Mike DeBonis, "Republicans embrace building a border wall, despite cost," Chicago Tribune, January 6, 2017; Jonathan Miller and Dean DeChiaro, "Immigration players to watch," Roll Call, December 20, 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 115th Congress

- President-elect Trump opposes TPP and has pledged to drop out of the trade deal within his first 100 days
- Trump also promised he would renegotiate NAFTA, and indicated a willingness to withdraw the United States from the trade agreement

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; Adam Behsudi and Nancy Cook, “Trump will quit TPP in first days,” Politico, November 10, 2016; Tami Luhby, “Yes, ‘President Trump’ really could kill NAFTA – but it wouldn’t be pretty,” CNN, July 6, 2016.



Iran Nuclear Negotiations

Timeline of key recent federal actions on Iran Nuclear Negotiations

- Apr 2015 ○ **Framework Agreement on Nuclear Program:** President Obama announced a framework for an agreement on Iran's nuclear program, including a phase-out of sanctions in exchange for reductions in and regular inspections of centrifuges and uranium stockpiles
- May 2015 ○ **Iran Nuclear Agreement Review Act of 2015:** Congress passes a law which subjects an Iranian nuclear deal to congressional review; The president is required to keep Congress informed on a quarterly basis of Iranian compliance with any deal, and if Iran breaches the agreement or the president fails to issue a quarterly certification, sanctions may be restored by Congress
- July 2015 ○ **Deal Reached with Iran/Finalization Day:** On July 14, the White House announced a deal with Iran to cap, restrict, monitor, and roll back Iran's nuclear program in exchange for the lifting of international sanctions. On July 20 (Finalization Day), the United Nations Security Council unanimously voted in favor of the Iran deal
- Oct 18, 2015 ○ **Adoption Day:** The deal officially went into effect 90 days after Finalization Day. During Congress's the 60-day review period, the Senate blocked a vote to reject the deal. This ensured the passage of the deal without needing a presidential veto. Adoption day marks the day, prior to issuing sanctions relief, that Iran must begin to shift its nuclear program to comply with the terms of the deal
- Jan 16, 2016 ○ **Implementation Day:** The IAEA verified that Iran complied with the terms of the deal and in response, the US, EU and UN conditionally terminated a host of Iranian sanctions. In the subsequent months, the IAEA has released implementation reports that have validated Iran's compliance with the JCPOA

Potential actions in 115th Congress

- Prior to Implementation Day, President Obama issued waivers on sanctions that addressed Iran's oil sales and transportation and banking industries, among other things. These went into effect on Implementation Day
- Transition Day, which will be on October 20, 2023, is when the IAEA determines that all nuclear material in Iran is for peaceful purposes
- UNSCR Termination Day will October 20, 2025
- Following the election of Donald Trump, the future of the Iran deal may be up in the air — Trump's campaign rhetoric suggested that he wishes to scrap the deal, or at least renegotiate certain provisions; however, given the support the deal has from some of America's key allies, President-elect Trump may be hard-pressed to radically alter it

Source: Barbara Plett Usher, "Iran nuclear talks: 'Framework' deal agreed," BBC, April 3, 2015; Sullivan and Cromwell LLP, "Iran sanctions," Lexology, May 28, 2015; Josh Rogin, "Republicans Warn Iran — and Obama — That Deal Won't Last," Bloomberg View, March 9, 2015; Rick Gladstone, U.S. Adds to Its List of Sanctions Against Iran," The New York Times, June 3, 2013; The Hill, "UN backs Iran deal, infuriating lawmakers from both parties" July, 20, 2015; US Department of State, "Background Briefing on the JCPOA Implementation," September 17, 2015; Brookings, "A Comprehensive Timeline of the Iran Nuclear Deal," July 21, 2015; Ben Brumfield, "It's 'Adoption Day' — launch time for the Iran nuclear deal," CNN, October 19, 2015; "The JCPOA Timeline," CSIS



Keystone XL Pipeline

Timeline of key recent federal actions on Keystone XL Pipeline

- 2012 ○ **State Department Permit Rejection:** President Obama, acting with guidance from the Department of State, denied a permit to Keystone XL on the grounds that the 60-day window provided by Congress was not enough time to gain necessary additional information needed to give approval to the project.
- 2013 ○ **Draft Supplemental Environmental Impact Statement:** The State Department issued a supplemental environmental impact statement arguing that a proposed alternative route would cause no significant impacts to resources; the EPA released a letter challenging the conclusions of the statement.
- 2014 ○ **A Bill to Approve the Keystone XL Pipeline:** The Senate voted to directly approve the Keystone XL pipeline during the 2014 lame duck session, but the bill failed to pass by one vote.
- Feb 2015 ○ **Keystone XL Pipeline Approval Act:** The House and Senate passed a bill to directly approve the Keystone XL pipeline after the new Republican-controlled Senate was sworn in, but President Obama vetoed the legislation, arguing that approval should be up to the executive branch. The Senate tried and failed to override the veto.
- Nov 2015 ○ **President Obama rejects the Keystone XL Pipeline:** Earlier in November, TransCanada requested to halt the review of the project, possibly to push the decision to the next president. President Obama formally rejected the pipeline. TransCanada is 'disappointed' but will consider all options, including filing a new application.
- Jan 2017 ○ **President-elect Donald Trump assumes office:** Trump's cabinet selection is likely to approve the Keystone XL pipeline. Picks include Scott Pruitt for EPA administrator, Ryan Zinke for interior secretary, Rex Tillerson for secretary of state and Rick Perry for energy secretary. Trump himself has also voiced strong approval for the project.

Potential actions in 115th Congress

- The veto (and failed override) of the Keystone XL Pipeline Approval Act meant Congress was not likely to pass legislation on the Keystone XL pipeline in 2015, and instead TransCanada waited for administrative approval or denial
- In November 2015, President Obama rejects the project following TransCanada's request to halt the review of the project
- Congress could try and override Obama's decision, but this approach has been unsuccessful in the past
- TransCanada looks to the next president to reapply
- Canadian Prime Minister Justin Trudeau and President-elect Donald Trump are both very supportive of the project
- Trump's picks for Secretaries of State, Energy and the Interior, as well as EPA administrator are all likely to approve of the project

Sources: Paul Kane and Juliet Eilperin, "Democrats block Keystone pipeline, but GOP vows new fight when it takes over," *Washington Post*, November 18, 2014; Paul W. Parfomak, Robert Pirog, Linda Luther, and Adam Vann, "Keystone XL Pipeline Project: Key Issues," *Congressional Research Service*, December 2, 2013; U.S. Department of State, "Report to Congress Concerning the Presidential Permit Application of the Proposed Keystone XL Pipeline," January 18, 2012; Brian Montopoli, "Obama denies Keystone XL pipeline permit," *CBS News*, January 18, 2012; U.S. Department of State, "Executive Summary – Draft Supplemental EIS," March 2013; Julia Edwards, "White House Says State Dept. Still Considering Keystone Pipeline," *Reuters*, September 23, 2015; Clare Foran, Ben Geman, and Jason Plautz, "President Obama Rejects Keystone XL Pipeline Ahead of Paris Climate Talks," *National Journal*, November 6, 2015; Associated Press, "What's Next for the Keystone XL Pipeline," *Boston Globe*, November 6, 2015. Daniel Bush, "Trump's cabinet could change the face of U.S. energy policy," *PBS Newshour*, December 15, 2016; Nia Williams and Ethan Lou, "Canada's Trudeau says Trump very supportive of Keystone XL pipeline," *Reuters*, December 21, 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 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. Later in May, Maloney filed another similar amendment that 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.
- May 2016 ○ **President Obama issues a directive defending the rights of transgender students:** Obama's Department of Education issued an interpretation of Title IX that required public school systems to let transgender students use bathrooms that align with their gender identity. The Supreme Court will hear a challenge to this interpretation of Title IX.
- Dec 2016 ○ **North Carolina neglects to repeal HB2:** After NC governor Pat McCrory signed the bill requiring transgender people to use bathrooms in accordance with their sex rather than their gender identity, officials from Charlotte made a deal with the state legislature: they offered to repeal a municipal anti-discrimination ordinance if the state legislature repealed HB2. After the Charlotte officials eliminated the LGBT protections, the North Carolina legislature failed to keep its end of the bargain.

Potential actions in 115th Congress

- Congressional Republicans have signaled an interest in passing the First Amendment Defense Act, which prohibits the federal government from penalizing any person who acts according to their belief that marriage should be exclusively heterosexual; Trump has pledged to sign the bill, which would protect those who discriminate against LGBT people
- The Equality Act, LGBT activists' primary legislative goal, establishes federal protections against discrimination based on sexual orientation or gender identity; but federal LGBT rights are unlikely to advance with the GOP maintaining control of both the House and Senate

Sources: 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, 2017; Nelson Tebbe, Micah Schwartzman and Richard Schragger, "Trump wasn't elected as a culture warrior. He may govern as one," *Vox*, December 30 2016; Camila Domonoske, "Repeal of North Carolina's HB2 law fails as legislature adjourns special session," *NPR*, December 21, 2016.

+ Medicare

Timeline of key recent federal actions on Medicare

- 2008 ○ **Patient Protection and Affordable Care Act of 2010:** Major health care law passed in 2010. In addition to reforming the market for private insurance, it reduced payments to Medicare Advantage plans and created the Independent Payment Advisory Board to regulate Medicare costs, among other reforms
- Apr 2014 ○ **Protecting Access to Medicare Act of 2014:** One in a long line of annual delays (often called “doc fixes”) to cuts to Medicare reimbursement rates via the Sustainable Growth Rate (SGR); the bill delayed the implemented SGR reimbursement rate cuts for one year. The bill was paid for primarily through targeted Medicare cuts to specialized providers
- Mar 2015 ○ **Medicare Access and CHIP Reauthorization Act (MACRA) of 2015:** Congress passes a law that permanently repeals the SGR limit, replacing it with a plan that rewards providers who participate in alternative payment models and increase Medicare premium rates on certain higher-income individuals, among other reforms
- Oct 2015 ○ **Bipartisan Budget Act of 2015:** The budget deal eases what would have been an historic 52% premium hike for some Medicare Part B beneficiaries that was set to go into effect in 2016. Under the agreement, the US Treasury will grant a \$7.5 billion loan to help cover expenses, while Part B premiums will increase by only 15%.
- Jan 2017 ○ **Beginning of the 115th Congress:** GOP leaders, including Speaker Paul Ryan and HHS Secretary-Nominee Tom Price have targeted Medicare for an overhaul. Both Ryan and Price are interested in turning Medicare into a “premium-support” system by 2024, which would allocate a fixed amount per beneficiary to use on commercial insurance plans — details for such a transformation have not been finalized

Potential actions in 115th Congress

- Prior to the 2016 elections, changes to Medicare were deemed unlikely following MACRA’s passage
- However, following the 2016 elections, the outlook for Medicare reform has changed, as Speaker Paul Ryan and HHS Secretary-Nominee Tom Price have advocated sweeping changes to Medicare
- Potentially complicating matters, President-elect Trump previously expressed opposition to such large changes to the popular Medicare program; however, some speculate that Trump may actually be more willing to adopt Ryan’s health policy agenda than he previously suggested
- Sen. Bernie Sanders has been quick to point out that Trump promised during his presidential campaign not to cut Medicare or Social Security benefits; the president-elect has not expressed a clear plan for Medicare reform since the election

Source: National Journal Research, 2015; U.S. House of Representatives, “H.R. 2, the Medicare Access and CHIP Reauthorization Act of 2015- Sections 101, 301, 401, 402, and 523” 2015; U.S. Code, “Title 42, Chapter 7, Subchapter XVIII, Part B, Subsection 1395r. Amount of premiums for individuals enrolled under this part, (i)(1-6),” 2015.; Paul Demko, “GOP budget would repeal ACA but steps back from Medicare, Medicaid restructuring,” Modern Healthcare, May 1, 2015; Eric Dundon, “From Washington: Graces introduces bill to reform the Medicare audit system,” Hannibal Courier-Post, May 5, 2015; Phillip Moeller, “How the Budget Deal Will Change Medicare and Social Security,” Time Money, Oct 30, 2015; Mike DeBonis, “Is Paul Ryan already eying Medicare cuts?” The Washington Post, November 11, 2016; Virgil Dickson, “Outlook for 2017: Republicans target Medicaid, Medicare for big changes,” Modern Healthcare, December 31, 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 115th Congress

- A massive undertaking will probably occur in 2017 after the inauguration of President-elect Trump, who has proposed substantial tax cuts
- Senate Minority Leader Chuck Schumer (D-NY) suggested he would work with House Speaker Paul Ryan (R-WI) to pass a bill focused on international tax reform
- Senate Majority 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
- Treasury Secretary nominee Steve Mnuchin suggested that corporate tax reform will be a priority in Trump's administration, and may be more easily passed as a separate bill rather than as part of comprehensive tax reform legislation

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; Matthew Nussbaum, "Mnuchin talks taxes, infrastructure, Carrier," Politico, November 30, 2016.



Technology

Timeline of key recent federal actions on technology

- 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 failure of many GOP leaders to halt or postpone the handover of IANA's functions from US management to an international multistakeholder model – a shift that has been planned for the last 20 years – the transition is moving forward. Among other efforts to block the transition were 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.
- Dec 2016 ○ **BOTS Act:** S. 3183, which outlaws the use and sale of software circumventing ticket sellers' web security measures, passed in Congress and was signed into law by President Obama.
- Dec 2016 ○ **Consumer Review Fairness Act:** H.R. 5111, which makes it illegal for businesses to include gag or non-disparagement clauses in their terms of service that limit a consumer's right to post an honest but bad review on online outlets, was approved and signed by President Obama after passing in Congress

Potential actions in 115th Congress

- Empowering Employees Through Stock Ownership Act (H.R. 5719) 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
- On the first day of the 115th Congress, Sen. John Thune (R-SD) reintroduced the MOBILE NOW Act (S. 19), which was previously approved by the Commerce Committee. The bill would require the FCC and NTIA to reserve a certain amount of spectrum for wireless broadband use and speed up 5G infrastructure
- Sen. Thune additionally has announced plans to introduce adjustments to the Communications Act, which has not been updated since 1996
- The FCC Reauthorization Act (S. 2644), which stalled in the last Congress, could also be on the agenda

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; Grant Gross, "ICANN transition moves forward. Despite last-minute attempt to block it," *PCWorld*, October 3, 2016; Noun Project, Alfredo Hernandez; Li Zhou, "What tech should watch for during the lame duck," *Politico*, November 14, 2016; Brendan Bordelon, "Thune plans 'step-by-step' Comms Act rewrite in new Congress," *Morning Consult*, January 4, 2017.