

Legislative Forecast for the 115th Congress

March 8, 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)

- 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		ACA: House GOP released AHCA	Trump's 100 th day in office								
ACA: End of open enroll. period		Immigration: EO to restrict immigration signed and will go into effect									

Possible actions, timing unknown

Affordable Care Act: The American Health Care Act is expected to be taken up by Congress, although it is unclear whether this iteration will make it to the president

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 interest 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 undo 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.
- 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.
- Mar 2017 ○ **House GOP unveils the American Health Care Act:** The long-awaited replacement plan repeals the ACA's individual and employer mandates, replaces the law's subsidies with age-adjusted tax credits and phases out Medicaid expansion by 2020. Conservatives in both chambers of Congress, including members of the House Freedom Caucus and hardline Senators Ted Cruz (R-TX), Rand Paul (R-KY) and Mike Lee (R-UT) oppose certain provisions of the AHCA, such as the tax credits, making the bill's future uncertain

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
- Soon after the unveiling of the American Health Care Act and before the CBO scores the legislation, the House Energy & Commerce and Ways & Means Committees will begin marking up the legislation
- There is not uniform conservative support for the AHCA — some conservative advocacy organizations such as Heritage Action and the Club for Growth view the plan as too similar to Obamacare and urge a full and immediate repeal of the law's taxes, regulations and mandates
- GOP Sens. Rob Portman (OH), Shelly Moore Capito (WV), Cory Gardner (CO) and Lisa Murkowski (AK), wrote a joint letter expressing their concern about the disruptive effect the plan would have on Medicaid expansion populations

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 FY17 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 Trump has signaled to congressional Republican leaders that he prefers to fund his promised Mexico border wall through FY18 appropriations
- This would likely take the form of an "emergency" supplemental appropriations bill that wouldn't be subject to normal spending limits
- Congress has started to revisit the FY17 appropriations process, starting with a redo of the defense appropriations bill without OCO funding. (See defense appropriations slide for more information.)

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.



Conflict in Iraq and Syria

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

- 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
- Dec 2016 ○ **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
- Jan 2017 ○ **Rep. Tulsi Gabbard meets with Assad in Damascus:** The Hawaii representative travels to Syria on a "fact finding mission"
- Jan 2017 ○ **Rep. Christopher Smith introduces H.R. 390:** The Iraq and Syria Genocide Emergency Relief and Accountability Act is referred to the House Judiciary Committee
- Jan 2017 ○ **President Trump signs executive order banning travel from seven Muslim majority countries:** The ban institutes a visa suspension for 90 days, blocks refugee admission for 120 days and indefinitely suspends the admission of Syrian refugees to the US
- Jan 2017 ○ **US district court issues emergency stay against travel ban:** After the government challenged the stay, the 9th Circuit court ruled 3-0 in favor of the district court's action
- Feb 2017 ○ **Proposed budget:** President Trump proposes a 10 percent increase in the defense budget, or around \$54 billion
- Mar 2017 ○ **Trump signs new travel ban:** The President signs a new version of the executive order that allows Iraqi citizens to travel to the US, and replaces an indefinite ban on refugees from Syria with a 120-day freeze

Potential actions in 115th Congress

- Democrats in Congress are pushing for a new war resolution against ISIS, but the chances of passage remain low. Without a new resolution, Trump's use of military power in Iraq and Syria would face no Congressional oversight



Criminal justice reform

Timeline of key recent federal actions on criminal justice reform

- 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
- Feb. 9, 2017 ○ **Trump signs executive order creating a task force to reduce crime**
This order empowers Attorney General Jeff Sessions to establish a task force to discuss crime reduction ideas, identify “deficiencies” in current laws and evaluate the availability of crime-related data

Potential actions in 115th Congress

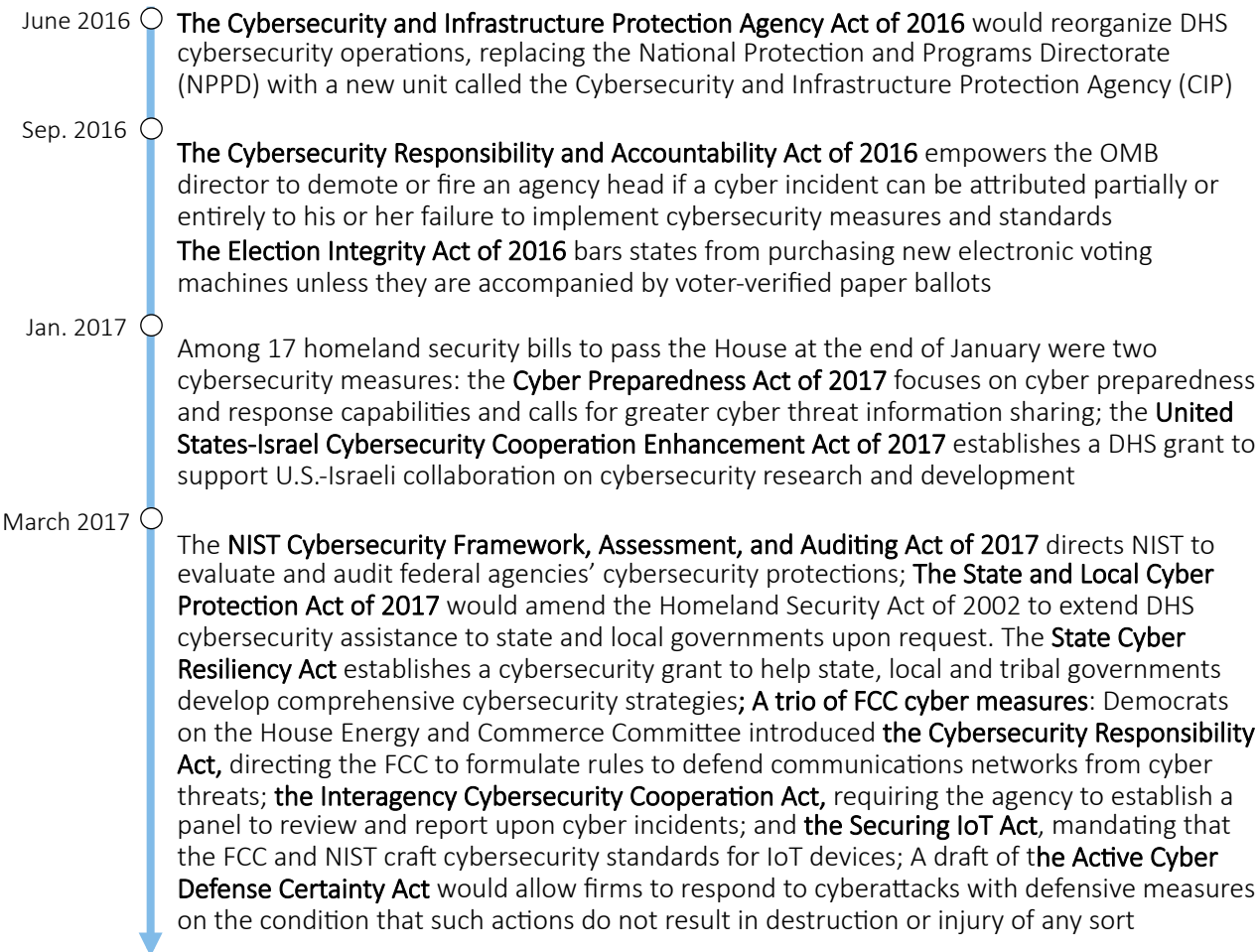
- President Obama expressed interest in prison reform, but the 114th Congress did not deliver a bipartisan reform bill in 2016 before he left office, instead deciding to focus on other key legislation
- In the 114th Congress there was some bipartisan support for reducing sentencing for certain crimes
- 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 is no longer in the Senate Judiciary Committee to lead the opposition, but on the other he is 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,” Politco, 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



Potential actions in 115th Congress

- The election of Donald Trump could spur action on encryption. Trump previously called for an Apple boycott during the company's conflict with the FBI, while members of Congress continue to highlight the issue and reiterate their hopes of working toward a compromise
- Rep Michael McCaul (R-TX) and Sen. Mark Warner (D-VA) have proposed legislation calling for the creation of a National Commission on Security and Technology Challenges to address the encryption debate and evaluate a path forward
- A joint report from the House Judiciary and Energy & Commerce Committees released at the end of December struck a middle ground on the contentious issue, urging Congress not to pass measures that undermine encryption, while acknowledging the "legitimate concerns" of the law enforcement and intelligence communities

Sources: 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; 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; Anthony Kimery, "House passes 17 sweeping bipartisan bills to enhance homeland security," Homeland Security Today, February 1, 2017; Joseph Marks, "Undermining encryption not an option, House Judiciary chair pledges," Nextgov, February 1, 2017; Nextgov staff, "Lawmakers bump NASA bill and increase several agencies' cyber responsibilities," March 3, 2017.



Defense appropriations

Timeline of key recent federal actions on defense appropriations

- 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. 5293, 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.
- Jan. 2017 ○ **Leaked list of GOP House 2017-18 priorities reveals plan to create a 13th defense/border appropriations bill:** The additional spending bill would allocate money for DHS to build a wall along the Mexico-US border.

Potential actions in 115th Congress

- 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
- After the Senate voted against the House version of the defense appropriations bill, the House has revisited the bill and is expected to put the measure to a vote in the House soon
- The new FY17 defense appropriations bill is in line with the spending caps mandated in the 2015 budget agreement, calling for \$577.9 billion in spending. The new legislation does not include OCO funding as this has been a sticking point for Democrats

Sources: National Law Review, "Fiscal year 2017 defense appropriations bill revives process; legislative fate of other spending bills uncertain; President Trump's budget receives differing reactions; House appropriators begin work on FY 2018," March 6, 2017; 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.



Education

Timeline of key recent federal actions on education

- Dec 10, 2015 ○ **Every Student Succeeds Act of 2015 (ESSA):** 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.
- Dec 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. Democrats were staunchly opposed to her nomination.
- Jan 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 tuition costs for public college education for families making less than \$125,000 a year by 2019.
- Jan 23, 2017 ○ **House GOP introduces the Choices in Education Act of 2017:** Rep. Steve King (R-IA) introduced a bill to repeal ESSA, distribute federal funds for education in the form of vouchers, limit the authority of the Department of Education and repeal school cafeteria nutritional standards.
- Feb 7, 2017 ○ **Betsy DeVos confirmed as education secretary:** In a historically close 51-50 vote, with Vice President Mike Pence casting the tie-breaking vote, DeVos was confirmed as head of the Department of Education, inciting protests. It remains to be seen whether she will push a 'free market' education agenda or allow states to make their own education policy decisions.

Potential actions in 115th Congress

- Education Secretary Betsy DeVos is a strong supporter of charter schools and school choice, so it is likely that the administration will advocate free-market education policies
- While former Democratic presidential nominee Hillary Clinton proposed plans for free community college and debt-free public higher education during the campaign, 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 You 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.
- 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
- Feb. 6, 2017 ○ **H.J. Res. 38 to repeal the Stream Protection Rule is presented to the president**
- Feb. 14, 2017 ○ **H.J. Res. 41 to repeal the SEC's rule requiring disclosure of payments made to foreign governments by resource extraction issuers is signed by the president**
- Feb. 28, 2017 ○ **President Trump signs an executive order mandating a review of the Waters of the U.S. rule**

Potential actions in 115th Congress

- Both the House and the Senate passed similar versions of a 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 & 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
- It is likely that an executive order directing the EPA to begin rewriting major parts of the Clean Power Plan will be signed by President Trump
- The repeal of two rules under the CRA has passed both chambers, and methane and land use rules may follow suit because the repeal just needs to pass in the Senate

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

- 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 Committee on Agriculture 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
- Feb. 15, 2017 ○ **Hearing on “Setting the Stage for the Next Farm Bill”:** The House Committee on Agriculture held a hearing on the state of the American farm economy with testimony by the USDA chief economist and academics from major agriculture research institutions
- Feb. 16, 2017 ○ **Hearing on the “Pros and Cons of Restricting SNAP Purchases”:** The House Committee on Agriculture heard about limiting SNAP benefits with testimony by researchers from AEI, Brookings and the Food Marketing Institute
- Feb. 23, 2017 ○ **First Senate field hearing on the Farm Bill in Kansas:** Senate agriculture committee Chairman Pat Roberts led a hearing with producers and agribusiness representatives at Kansas State University
- Feb/Mar 2017 ○ **Hearings on “The Next Farm Bill”:** House Committee on Agriculture subcommittee hearings on: conservation policy; rural development and energy programs; and specialty crops
- March 2017 ○ **Second Senate field hearing on the Farm Bill in Michigan:** Ranking Member Stabenow will host the hearing in her home state of Michigan with a focus on specialty crops

Potential actions in 115th Congress

- Witnesses at the initial hearings on the farm bill have mostly supported the current framework for crop insurance and conservation; notable exceptions are the cotton and dairy industries who would like added support for their industries
- The White House has still not submitted paperwork to the Senate for Sonny Perdue, Trump’s pick for secretary of agriculture
- Perdue previously was governor of Georgia, a major peanut producing state, and he has worked in international agricultural trade since leaving office
- The agriculture sector strongly supported the opening of Asian markets through the Trans-Pacific Partnership (TPP), so farmers will be pushing for new market agreements
- Insurance subsidies may come under fire from budget hawks, as well as SNAP benefits
- Hearings have yet to be scheduled for AG Secretary-Nominee Sonny Perdue; 17 posts requiring Senate-approval remain unannounced



Financial regulation

Timeline of key recent federal actions on financial regulation

- 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
- 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
- Jan 30, 2017 ○ **Trump’s executive order:** President Trump signs the executive order that establishes a new set of “core principles” designed to dismantle Dodd-Frank
- Feb 13, 2017 ○ **Mnuchin you’re hired!** Steven Mnuchin is confirmed by a vote of 53 to 47 to serve as the next Secretary of the Department of the Treasury
- Feb 2017 ○ **CHOICE Act 2.0:** House Financial Services Chairman Jeb Hensarling (R-TX) is expected to release the second version of his comprehensive Dodd-Frank replacement plan called the CHOICE Act 2.0.

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.
- With Mnuchin now confirmed, it is highly likely that the Department of the Treasury will start proposing rules that ease the regulations enacted by Dodd-Frank



Immigration

Timeline of key recent federal actions on immigration

- 2012 ○ **Deferred Action for Childhood Arrivals (DACA):** 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 US citizens and lawful permanent residents.
- 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, so the appeals court's ruling remains.
- Jan. 2017 ○ **Trump issues three executive orders limiting immigration that spark protests across the nation:** In his three orders, he instructs DHS to begin the process of building a wall along the Mexico-US border, expands the powers of immigration officers, denies federal funding to sanctuary cities, suspends immigration from seven Muslim majority countries and cuts the number of refugees allowed in the US.. These orders do not affect DACA.
- Feb. 5 ○ **US district judge from Washington puts a nation-wide hold on the travel ban and the Ninth U.S. Court of Appeals upholds the ruling**
- March 6 ○ **Trump signs new EO reinstating the travel ban that might circumvent judicial objection:** The new EO, which goes into effect on March 16, bans immigration from six Muslim-majority countries (dropping Iraq from January's order) and reinstates an 120-day ban on all refugees
- March 8 ○ **Bidding begins on contracts for the US-Mexico border wall:** Although the DHS only has about \$20 million in reserve funds that could be used on the wall, which is estimated to cost over \$20 billion, the Trump administration will reportedly ask Congress for \$6.6 billion to fund the wall and crack down on undocumented immigrants in the coming weeks.

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 and may be pressured to vote with the GOP on border security measures
- Trump's EOs have sparked protests across the country, which many GOP lawmakers experienced personally at town halls during February recess
- On February 7, 2017 GOP Senators Tom Cotton and David Perdue introduced a bill developed with the Trump administration to cut the number of immigrants granted US residency each year from 1 million to 500,000
- The Trump administration needs 60 votes in the Senate to fund the US-Mexico border wall; Sen. Minority Leader Chuck Schumer said Democrats will block the bill regardless of any other measures it contains

Sources: Laura Litvan, Toluse Olorunnipa and Lauren Etter, "Trump administration eyeing \$6.6 billion border funding request," Bloomberg, March 7, 2017; Ariane de Vogue, Jeremy Diamond and Kevin Liptak, "US President Donald Trump signs new travel ban, exempts Iraq," CNN, March 7, 2017; Jonathan Swan, "Schumer's plan to stop the wall," March 6, 2017, Axios.



International trade

Timeline of key recent federal actions on international trade

- Jun 2015 ○ **Trade Promotion Authority enacted:** Congress passed fast-track authority, giving the White House authority to negotiate trade agreements and send them to Congress for a simple up-or-down vote. TPA lasts until 2018 and can be extended by Congress until 2021.
- 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:** TPP was at the top of the President's agenda for Vietnam. 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.
- Jan 2017 ○ **President Trump withdraws from TPP:** On his fourth day in office, President Trump signed an executive order withdrawing the United States from the Trans-Pacific Office.
- Feb 2017 ○ **President Trump begins special trade dialogue with Japan:** Trump met with Japanese Prime Minister Shinzo Abe to begin a formal dialogue between the two countries on trade. Trump's advisers hope to negotiate a bilateral trade deal with Japan, which was the only country to ratify the TPP agreement.

Potential actions in 115th Congress

- NAFTA renegotiations are expected to begin in May, after Mexican president Enrique Peña Nieto announced the beginning of a 90-day consultation period with the country's private sector on February 1
- Trump has the power to negotiate tariffs on specific goods without Congress' approval, but more substantial changes to NAFTA may have to pass through Congress
- President Trump has indicated a willingness to withdraw the United States from the trade agreement if negotiations are unable to produce a satisfactory agreement
- Trump is also expected to withdraw from the TTIP negotiations with the EU

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; Office of the United States Trade Representative, "Transatlantic Trade and Investment Partnership," 2015; 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; 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; Megan Cassella and Brent Griffiths, "Trump signs executive order to withdraw from Trans-Pacific trade deal," Politico, January 23, 2017; Ben White, "Trump's trade war with corporate America," Politico, February 15, 2017; Zeeshan Aleem, "Trump is ready to renegotiate NAFTA. Here's what that might look like," Vox, February 9, 2017; Adam Behnsudi, "U.S., Japan to start special trade dialogue," Politico, February 10, 2017.



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 related to Iran's oil, 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
- President 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 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



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.
- 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 passed a bill requiring transgender people to use bathrooms in accordance with their sex assigned at birth, officials from Charlotte 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.
- Feb 2017 ○ **Trump Justice Department reverses Obama's support for trans students:** Trump's Departments of Justice and Education sent a letter to schools rescinding the requirement that students be allowed to use the bathroom that matches their gender identity, arguing that the issue should be left to states and local districts.

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.

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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 Tom Price have targeted Medicare for an overhaul. Both Ryan and Price are interested in turning Medicare into a “premium-support” system by 2024 — details for such a transformation have not been finalized
- Mar 2017 ○ **GOP ACA replacement bill:** As suspected, the GOP proposed replacement bill did not include changes to Medicare. With an expansive policy agenda, the GOP is unlikely to pursue Medicare reform this year

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 Tom Price have advocated sweeping changes to Medicare
- Potentially complicating matters, President Trump previously expressed opposition to such large changes to the popular Medicare program; however, some speculate that President 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, 2017; 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 1395c. Amount of premiums for individuals enrolled under this part, (j)(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

- 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
- The Senate Finance Committee may also begin drafting their own tax reform legislation, as skepticism of the House GOP's border-adjusted tax grows
- Senate Majority Leader Mitch McConnell (R-KY) has stated that tax reform will most likely need to be passed through budget reconciliation, rather than as a bipartisan bill
- 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
- The White House was expected to release a new tax plan in late February, but has yet to do so

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; 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; Margaret Talev, "White House: Cohn-led tax plan is real and it's phenomenal," Bloomberg, February 10, 2017.



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.