

Legislative Forecast for the 115th Congress

July 5, 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
- Debt ceiling
- 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
- 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		Approps: Deadline to pass a new CR	G7 meeting	SCOTUS term ends	G20 summit	Congress on summer recess	Tax reform legislation	End of FY 2017		
Presidential inauguration			Trump's 100 th day in office			Immigration: partial travel ban goes into effect	NAFTA renegotiations	FAA authorization expires	CBO projects extraordinary measures will be exhausted		
ACA: End of open enroll. period											

Possible actions, timing unknown

- Affordable Care Act:** After the AHCA passed the House, the Senate is expected to completely start over in drafting the bill
- Conflict in Iraq & Syria:** Democrats have renewed efforts to rein in executive military actions through a new Authorization for the Use of Military Force (AUMF)
- Debt Ceiling:** Sometime in October 2017 and before Congress's August recess, the debt ceiling is expected to be raised
- Energy & Environment:** Negotiations for a comprehensive energy bill are expected to resume in the 115th Congress
- Financial Regulation:** House Finance Committee Chairman Hensarling announced that an updated version of the CHOICE Act will see a floor vote
- Immigration:** The Supreme Court has agreed to weigh in on Trump's travel ban
- Medicare:** Congressional Republicans have expressed an interested in reforming Medicare and turning it into a "premium support" system
- Tech:** The Trump administration is working to to modernize government information technology systems, while leadership in Congress has been involved in efforts to expand broadband and supplement the FCC's effort to roll back net neutrality regulations

Sources: National Journal Research, 2017.



Affordable Care Act

Timeline of key recent federal actions on the Affordable Care Act

- Jan 2016 ○ **Congress sends ACA repeal to president's desk; Obama vetoes measure, veto upheld:** The Restoring Americans' Healthcare Freedom Reconciliation Act of 2015 passed both chambers, marking the first time Congress sent a repeal of the ACA to the president's desk. President Obama vetoed the measure and the House failed 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
- April 2017 ○ **Freedom Caucus comes out in favor of AHCA, with inclusion of MacArthur Amendment:** Rep. Tom MacArthur (R-NJ) of the Tuesday Group and Rep. Mark Meadows (R-NC) of the Freedom Caucus negotiated an amendment to allow states to waive some of the ACA's insurance regulations. It specifically targets community rating and essential health benefits
- May 2017 ○ **House passes the AHCA narrowly, along party lines:** After much debate, the Upton and MacArthur Amendments helped to convince Republican members to vote to pass the AHCA. CBO estimates of the passed bill suggest 23 million will be uninsured by 2026.
- June 2017 ○ **Senate GOP unveils the Better Care Reconciliation Act:** The Senate version of the ACA repeal bill has more intense cuts to Medicaid funding, increases premiums for the elderly and provides bigger tax cuts to the wealthy. CBO score says there will be 22 million more uninsured individuals by 2026 than under current law.

Potential actions in 115th Congress

- The White House has signaled that it would fund the ACA's cost-sharing reduction subsidies "for now," which has assuaged the short-term concerns of Democrats, who were threatening a government shutdown
- However, in order to reach a long-term solution on the CSR payments, the House GOP lawsuit on the issue must be resolved
- The bill is now in the hands of the Senate and experts speculate that they will completely strip it and start over
- CBO score of the Senate estimate 22 million additional uninsured by 2026 and a Medicaid cut by \$772 billion
- Many Republican senators represent states that have benefitted from Medicaid expansion, suggesting they would oppose the Medicaid cuts
- Senate leadership originally said they hoped to vote on the bill by the July congressional recess, but the vote was ultimately delayed until after
- Senators Susan Collins (R-ME) and Rand Paul (R-KY) are expected to definitely vote no; all other senators are toss-ups

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; 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; Jennifer Haberkorn, "GOP Wins Obamacare Lawsuit," Politico, May 12, 2016; Mary Ellen McIntire, "HHS to Continue Obamacare Payments to Insurers With Lawsuit Pending," Morning Consult, April 3, 2017.

\$ Appropriations

Timeline of key recent federal actions on FY18 appropriations

- May 2017 ○ **President's FY18 budget request:** Donald Trump released his first budget request as president with \$576 billion requested for nondefense discretionary programs. Trump requested \$574.5 billion for Defense with Overseas Contingency Operations (OCO) funding at \$76.0 billion.
- June 2017 ○ **House releases the text of seven appropriations bills:** The House Appropriations Committee begins the lengthy appropriations process by releasing the text of seven bills: Agriculture, Commerce/Justice/Science, Defense, Energy/Water, Financial Services, Legislative Branch, and MilCon/VA. All of the bills are now being considered in their respective appropriations subcommittees.
- June 2017 ○ **House Appropriations Committee passes its first appropriations bill, MilCon/VA:** The Military Construction and Veterans Affairs appropriations bill passed a full committee vote with \$88.8 billion in discretionary funding. Both departments saw year-over-year increases compared to 2017 levels.
- June 2017 ○ **House Approps. passes Defense appropriations bill:** The full committee approved the Defense appropriations bill including \$584.2 billion in discretionary funding – an increase of \$68.1 billion above the FY17 level. The bill also provides \$73.9 billion in OCO funding.
- June 2017 ○ **House Approps. passes Legislative Branch appropriations bill:** The full committee approved the Legislative Branch appropriations bill, which included \$3.58 billion for House and joint operations, \$100 million above the FY17 level.

Potential actions in 115th Congress

- Since Republicans are aiming to use the reconciliation process to address tax reform, Congress is currently in the process of crafting a budget resolution
- When asked, House Speaker Paul Ryan did not rule out the possibility of a “shell” budget that would allow them to address tax reform but would not set up a concrete fiscal roadmap for appropriations
- The Senate Appropriations Committee has yet to vote on its first appropriations bill
- Congress has 25 legislative days with both chambers in session before the FY18 appropriations deadline on September 30

Source: US House Committee on Appropriations, 2017; US Senate Committee on Appropriations, 2017; James Arkin, “Ryan ‘Confident’ House Will Pass Budget, Defends Agenda,” RealClearPolitics, June 30, 2017; National Journal Research, 2017; Office of Management and Budget, “A new foundation for American greatness,” May 22, 2017; Office of Management and Budget, “Major savings and reforms: Budget of the U.S. Government,” May 22, 2017.



Conflict in Iraq and Syria

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

- 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
- Mar 2017 ○ **Hawaii federal judge blocks major provisions of President Trump's revised travel ban:** U.S. District Judge Derrick Watson issues the first nationwide halt against Trump's revised executive order to block refugee resettlement and travel from six predominantly Muslim countries
- Mar 2017 ○ **The Trump administration ceases disclosures of US troop numbers in Iraq and Syria:** The Pentagon stops its official announcements of troop movements to the two countries, breaking with a longstanding tradition under the Obama administration
- Apr 2017 ○ **US launches missile strike against Syrian air force base:** President Trump authorizes a strike on a Syrian airbase used by the Syrian air force to conduct a chemical weapons attack
- May 2017 ○ **Trump seeks SCOTUS ruling on travel ban:** The administration asks the Supreme Court to allow the president's travel ban that blocks entry from six Muslim-majority countries to go into effect
- June 2017 ○ **SCOTUS unblocks key travel ban measures:** The Supreme Court stays portions of the lower courts' preliminary injunctions, though it has not yet issued a decision on the merits of the executive order
- June 2017 ○ **Authorization for use of military force amendment:** The House Appropriations Committee approves an amendment that would revoke the current Authorization for the Use of Military Force (AUMF) against Al Qaeda and its affiliates unless a replacement provision is created

Potential actions in 115th Congress

- Recent events in Iraq and Syria have rekindled efforts by Democrats – and some Republicans – in Congress to reign in executive military actions through a new Authorization for the Use of Military Force (AUMF). The recent amendment passed in the House Appropriation Committee is intended to force Congress to debate and pass a new war authorization for the war against ISIS and al Qaeda, though it is not clear if it will succeed in repealing and replacing the 2001 AUMF.



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

- 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
- Jared Kushner a meeting on Capitol Hill in mid-April to discuss the future of criminal justice reform with House and Senate leaders
- Legislators aiming for reform appear to be waiting for support from the White House before introducing a bipartisan criminal justice reform bill

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

- March 2017 ○ Democrats on the House Energy and Commerce Committee introduced **the Cybersecurity Responsibility Act**, directing the FCC to formulate rules to defend communications networks from cyber threats; **the Interagency Cybersecurity Cooperation Act**, requiring the agency to establish a panel to review and report upon cyber incidents; and **the Securing IoT Act**, mandating that the FCC and NIST craft cybersecurity standards for IoT devices
- March 2017 ○ A draft of **the Active Cyber Defense Certainty Act** allows firms to respond to cyberattacks with defensive measures provided that such actions do not result in destruction or injury
- March 2017 ○ **The Securing America’s Future Elections (SAFE) Act** codifies the designation of elections as critical infrastructure and reauthorizes the Election Assistance Commission
- March 2017 ○ **Transportation cybersecurity: The Security and Privacy in Your Car (SPY Car) Act** directs the NHTSA and FTC to formulate cyber and privacy guidelines for automobiles, while **the Cybersecurity Standards for Aircraft to Improve Resilience (Cyber AIR) Act** would impose similar standards on aircraft carriers
- May 2017 ○ House Armed Services Committee Chairman Mac Thornberry (R-TX) introduced **H.R. 2621** to require the Pentagon to enhance cyber defense efforts and report to Congress. The bill allocates over \$2.1 billion in FY 2018 to security initiatives in the Indo-Asia-Pacific region.
- June 2017 ○ **The House Armed Services Committee** completed a markup of its version of an annual defense policy bill, which allocated \$8 billion for cyber operations, an increase of \$1.7 billion over current levels. The bill also included language to boost congressional oversight of military cyber operations.
- June 2017 ○ **The Senate Armed Service Committee** completed a markup of defense policy legislation that created a chief information warfare officer appointed position and barred the Pentagon from using software designed by Kaspersky Labs.

Potential actions in 115th Congress

- House Homeland Security Committee Chairman Michael McCaul (R-TX) plans to reintroduce the **Cybersecurity and Infrastructure Protection Agency Act of 2016** in coming weeks. The bill, which stalled after its introduction in June 2016, would reorganize the current National Protections and Program Directorate into a new Cybersecurity and Infrastructure Protection Agency, a move supported by current and former DHS officials.
- In the upcoming budget battles, Congress will need to address how the **2018 presidential budget proposal** boosts cyber defense funding at the Department of Homeland Security and allocates money to help law enforcement fight cyber criminals while cutting funding for cyber research and development and eliminating funding for a digital forensics training center for state and local police.

Sources: Nextgov staff, "Lawmakers bump NASA bill and increase several agencies' cyber responsibilities," March 3, 2017; Mark Rockwell, "DHS cyber reorg bill coming," FCW, March 28, 2017; Joe Uchill, "Dem bill would codify elections as critical infrastructure," The Hill, March 17, 2017; Joe Uchill, "Dem senators reintroduce cybersecurity bills for cars, planes" The Hill, March 2017; Joseph Marks, "How the Trump budget treats cyber," NextGov, May 23, 2017; Morgan Chalfant, "Bill aims to boost cybersecurity efforts in Asia-Pacific region," The Hill, May 30, 2017.; Joe Uchill, "Overnight Cybersecurity: Defense bills beef up cyber oversight," The Hill, June 29, 2017.



Debt ceiling

Timeline of key recent federal actions on the debt ceiling

- 2011 ○ **Budget Control Act of 2011:** The BCA was designed to avoid a potential shutdown due to a failure to raise the debt limit in 2011; the act delegated authority to a ‘supercommittee’ to find an agreement on deficit reduction; however, no agreement was met, and so automatic penalty ‘sequestration cuts’ were put into effect.
- Feb 2013 ○ **No Budget, No Pay Act of 2013:** A bill which temporarily suspended the debt limit until May 28, 2013 and put Congressional pay on hold until a budget resolution could be passed.
- Oct 16, 2013 ○ **Continuing Appropriations Act, 2014:** A continuing resolution passed in fiscal year 2014, which funded the government and suspended the debt limit until February 2015 to give lawmakers more time to negotiate a compromise proposal.
- Feb 2015 ○ **Temporary Debt Limit Extension Act:** Both houses of Congress passed a debt ceiling extension, suspending the ceiling until March 15, 2015.
- Mar 2015 ○ **Debt Limit Reinstated:** The suspension of the debt ceiling was lifted in March; the Treasury took extraordinary measures to allow the government to pay its bills through November.
- Nov 2015 ○ **Bipartisan Budget Act of 2015:** In a budget compromise between Congressional leaders and the White House, the debt ceiling was suspended until March 2017, allowing normal borrowing to resume.
- Mar 2017 ○ **Debt ceiling reinstated:** The debt limit was automatically raised to the debt level on March 16, 2017. The CBO estimated that the Treasury would be able to use extraordinary measures to fund essential payments until sometime in the fall of 2017.

Potential actions in 115th Congress

- Office of Management of Budget Director Mick Mulvaney has said that the administration plans to use extraordinary measures for as long as possible, but that Congress should raise the limit before recessing in August
- The Congressional Budget Office projects that extraordinary measures will be exhausted in early- to mid-October
- The administration and Treasury Secretary Steven Mnuchin support increasing the debt ceiling

Source: Chris Matthews, “Let the debt ceiling games begin!” *Fortune*, March 16, 2015; Ben White, “US to hit debt ceiling again, and this time could be worse,” *CNBC*, March 16, 2015; Jim Garamone, “Defense Department Prepares Plans for Sequestration,” *American Forces Press Service*, December 5, 2012; Lisa Mascaro and Kathleen Hennessey, “U.S. leaders strike debt deal to avoid default,” *Los Angeles Times*, August 1, 2011; Pete Kasperowicz, “House approves clean debt hike,” *The Hill*, February 11, 2014; Lisa Montgomery and Rosalind S. Helderman, “Congress sends Obama bill to end shutdown,” *October 17, 2013*; Office of the Press Secretary, “Statement by the Press Secretary on H.R. 325,” *The White House*, February 4, 2013; Peter Schroeder and Bernie Becker, “What bills can lame-duck Boehner move?” *The Hill*, September 29, 2015; Joseph Lawler, “Deal Would Suspend Debt Ceiling until after 2017 Inauguration,” *October 27, 2015*; Rebecca Shabad, “Debt ceiling will be hit in October, CBO estimates,” *CBS News*, June 29, 2017.



Defense appropriations

Timeline of key recent federal actions on defense appropriations

- May 2017 ○ **Trump releases his FY18 budget request:** President Trump requested a \$54 billion increase to the sequestration level budget cap for FY18. If Congress does not agree to a budget resolution by the start of the fiscal year, they will have to pass another continuing resolution.
- June 2017 ○ **House Appropriations Committee approves FY18 Defense bill:** The House Defense appropriations bill includes a total of \$659.1 billion for the Department of Defense. This includes \$584.2 billion in discretionary funding, an increase of \$68.1 billion above the FY17 enacted level. The bill also provides \$73.9 billion in Overseas Contingency Operations (OCO) funding.
- June 2017 ○ **House Approps. Committee approves an amendment that would repeal the 2001 AUMF:** The committee approved an amendment that would repeal the 2001 Authorization for Use of Military Force. The 2001 war authorization is still used to wage war against ISIS and al Qaeda. Proponents on the panel argue that the 2001 authorization is overly broad and advocate for a new authorization more tailored to the current conflict.
- June 2017 ○ **House Armed Services Committee passes the 2018 House NDAA:** The House NDAA passed through committee, authorizing \$631.5 billion for base defense spending and \$74.6 billion for OCO funding.
- June 2017 ○ **Senate Armed Services Committee introduces the 2018 Senate NDAA:** The Senate NDAA calls for \$640 billion in base defense spending, slightly above the \$621 billion in the House plan as well as the \$603 billion outlined by the White House.

Potential actions in 115th Congress

- The Senate has yet to begin the appropriations process.
- The 2001 AUMF repeal amendment, attached to the House Defense appropriations bill, is expected to generate fierce debate. Even if the House passes the bill with the amendment intact, the amendment could die in the Senate if it proves too contentious.
- Negotiations on a FY18 budget resolution are expected to begin over the summer.

Sources: Jeremy Herb and Deirdre Walsh, "House panel votes to repeal war authorization for fight against ISIS and al Qaeda," CNN, June 29, 2017; Leo Shane III, "Senate unveils \$700B defense authorization plan," Military Times, June 28, 2017; US House Armed Services Committee, 2017; US Senate Armed Services Committee, 2017.



Education

Timeline of key recent federal actions on education

- Dec. 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.
- 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 \$125,00 a year by 2019.
- Jan. 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 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.
- May 2017 ○ **Trump administration announces proposal for huge budget cuts to education:** The White House requested a funding cut of over \$9 billion from the Department of Education for fiscal year 2018.

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

- 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, is signed into law
- Feb. 06, 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.
- Mar. 13, 2017 ○ The Trump administration presented a budget that would **severely cut the funding for environmental and energy programs and completely eliminate others**
- Mar. 28-29, 2017 ○ **At the EPA, President Trump signs an executive order** that would review environmental protections of the Clean Power Plan and rescind a moratorium on coal mining on federal lands, while on the Hill the next day, **the House passes the HONEST Law**, which would prohibit the EPA from using science that isn't publicly available.
- Apr. 25, 2017 ○ President Trump signs an **executive order mandating a review of all monuments designated under the Antiquities Act that are greater than 100,000 acres in size.**
- Apr. 27, 2017 ○ An executive order on **implementing an offshore energy strategy that encourages energy production and exploration in the Arctic and Atlantic oceans**, including on the Outer Continental Shelf
- June 1, 2017 ○ President Trump announces the withdrawal of the U.S. from the Paris Climate Agreement
- June 1, 2017 ○ EPA announces new rules for the Toxic Substance Control Act that detail prioritization and risk evaluation rules

Potential actions in 115th Congress

- The Senate Energy & Water Appropriations Bill could struggle to pass an entirely GOP-controlled Congress, and a new 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
- With the withdrawal of the United States from the Paris Climate Agreement, there will likely be increased pressure from constituents for Congress to pass environmental measures
- President Trump's budget request drastically reduced funding across the Department of Energy and the Environmental Protection Agency, including cutting most funding for research. Congress will have to decide how to allocate funding in response to his request
- The Trump Administration has begun the process of creating a new five-year offshore drilling plan through opening it for public comment

Sources: GovTrack.us, Timothy Cama, "House votes to restrict EPA's use of science," *The Hill*, March 29, 2017; Dan Merica, "What Trump's climate change order accomplishes and what it doesn't," *CNN*, March 29, 2017; Gregory Korte, "The 62 agencies and programs Trump wants to eliminate," *USA Today*, March 16, 2017; Michael Greshko, "A running list of how Trump is changing the environment," *National Geographic*, March 31, 2017.



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
- 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 Ag Committee Chairman Pat Roberts led a hearing with producers and agribusiness representatives at Kansas State
- Feb.-April 2017 ○ **Hearings on “The Next Farm Bill”:** House Committee on Agriculture subcommittee hearings on: conservation policy; rural development and energy programs; specialty crops; livestock and dairy; commodity markets; SNAP; and the Farm Credit System
- Mar. 16, 2017 ○ **President Trump’s skinny budget requests for FY2018:** If enacted, the USDA would lose funding for some research and certain programs would be completely eliminated
- April 25, 2017 ○ **Sonny Perdue sworn in as secretary of agriculture:** He immediately attends a roundtable with the president and a group of farmers to discuss ag issues, including the Farm Bill
- May 6, 2017 ○ **Second Senate field hearing on the farm bill in Michigan:** Ranking Member Stabenow (D-MI) will host the second hearing at Michigan State University with a focus on specialty crops
- May 22, 2017 ○ **President Trump’s full budget requests for FY2018:** The request cuts USDA discretionary funding by \$4.9 billion, and calls for \$180 billion in SNAP cost shifts to states over 10 years
- June 24, 2017 ○ **House Agriculture Committee holds first farm bill field hearing:** The hearing took place in Gainesville, FL, with emphasis on specialty crops represented in that region: citrus, peanuts, cotton and cattle.

Potential actions in 115th Congress

- Both chairmen of the Senate and House ag committees have expressed concerns about less funds being available for the 2018 bill
- Both chairmen have also expressed a desire to complete the farm bill negotiations on time
- The current farm bill expires Sept. 30, 2018
- Witnesses at the initial farm bill hearings have supported the current insurance and conservation frameworks, but have suggested some technical changes
- The cottonseed debate will continue as Sonny Perdue testified to Congress that USDA counsel advised him that he could not statutorily classify cottonseed as an oil seed
- President Trump has promised to renegotiate NAFTA and has notified Congress of his intent
- Trump’s tax proposal eliminates the estate tax
- The president’s FY2018 budget request would gradually shift 25% of SNAP costs to states (\$180 billion over 10 years) and impose new fees for processing and certification
- 17 posts in USDA that require Senate approval remain unfilled

Sources: Renée Johnson and Jim Monke, “What is the Farm Bill,” Congressional Research Service, November 8, 2016. House Committee on Agriculture. Senate Committee on Agriculture, Nutrition, and Forestry.



Financial regulation

Timeline of key recent federal actions on financial regulation

- 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
- Apr 4, 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
- Apr 11, 2017 ○ **CHOICE Act 2.0:** Chairman of the House Financial Services Jeb Hensarling (R-TX) released details outlining the second version of the Dodd-Frank replacement plan
- Apr 21, 2017 ○ **Trump's executive order part 2:** President Trump signs two executive memoranda and one executive order that examines the role the OLA plays in financial stability, reviews the Fed's authority regarding non-finance SIFI authority and reviews the current tax system
- May 2, 2017 ○ **Chairman Clayton:** The Senate voted 61-37 to confirm Jay Clayton as next chairman of the SEC
- May 4, 2017 ○ **CHOICE Act 2.0 passes Committee:** The second version of the Financial CHOICE Act passes the House Financial Services Committee with a vote of 34 to 26
- May 25, 2017 ○ **CFPB in crisis?:** The US Court of Appeals for the DC Circuit is hearing a case that could potentially impact the overall structure of the CFPB
- Jun 8 2017 ○ **CHOICE Act 2.0 part 2:** The House passes the Financial CHOICE Act by a vote of 233 to 186 with 11 members not voting on it
- Jun 2017 ○ **Flood reform:** The House Financial Services Committee passes the National Flood Insurance Program Policyholder Protection Act of 2017 and the 21st Century Flood Reform Act of 2017

Potential Actions in 115th Congress

- While many expect House Financial Services Chairman Hensarling's (R-TX) Financial CHOICE Act to pass the House, analysts are not as optimistic that it will pass in the Senate. Not only do Senate Democrats oppose dismantling Dodd-Frank, but some Senate Republicans are concerned that the repeal would go too far.
- With Mnuchin and Clayton leading two of the major financial regulators, financial analysts expect that these institutions will start passing rules that are deregulatory in nature
- Financial analysts are also interested in whether or not the administration's tax plan and infrastructure package will move forward and be passed. The two bills are expected to have a significant impact on small business growth and could determine whether or not the US reaches Trump's target growth rate of 3%

Sources: Reuters, "US consumers financial watchdog's chief makes case for embattled agency," May 31, 2017; ACA International, "Financial CHOICE Act expected on house floor for vote in early June," May 31, 2017; CNN Money, "Senate ok's Jay Clayton, Trump's pick for SEC chairman," May 2, 2017; DavisPolk, "Financial CHOICE act 2.0 passes House Financial Services Committee," May 8, 2017; CNBC, "Watch: Treasury Secretary Mnuchin addresses Senate Banking Committee," May 18, 2017.



Immigration

Timeline of key recent federal actions on immigration

- Jan. 2017 ○ **Trump issues three executive orders limiting immigration that spark protests across the nation:** His orders instruct DHS to begin the process of building a wall along the Mexico-US border, expand the powers of immigration officers, deny 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 Deferred Action for Childhood Arrivals (DACA.)
- Feb. 5, 2017 ○ **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.**
- Mar. 6, 2017 ○ **Trump signs new EO reinstating the travel ban that might circumvent judicial objection, but is stayed by a federal judge in Hawaii.**
- April 25, 2017 ○ **A federal district court in California blocks the Trump administration's effort to defund "sanctuary cities":** The injunction prevents the federal government from enforcing Section 9(a) of the executive order. Trump said he will appeal it to the 9th circuit.
- April 25, 2017 ○ **Congress reaches a bipartisan omnibus budget compromise for FY17:** The compromise includes \$1.5 billion for border security, which cannot be used for the border wall or ICE agents.
- May 2017 ○ **The Davis-Oliver Act (H.R. 2431) was reintroduced by Reps. Raul Labrador (R-ID) and Bob Goodlatte (R-VA) and would withhold funding from sanctuary cities, tightens the visa process and clarify ICE's authority to detain.**
- June 26, 2017 ○ **The Supreme Court will hear immigration travel ban case:** The Supreme Court added the case to their fall 2017 docket and agreed to let the Trump administration's immigration travel ban to go into effect for some travelers in the meantime.

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 recess.
- The Trump administration needs 60 votes in the Senate to fund the US-Mexico border wall; Democrats blocked inclusion of border wall funds in the FY17 omnibus compromise.
- In the President's budget request for FY 2018, Justice Department funding was reduced by about 4%. The budget proposed \$145 million in additional funding for immigration enforcement as well as added over 500 positions for immigration judges, deputy marshals, assistant U.S. attorneys and support staff, while cutting funding for the State Criminal Alien Assistance Program. Congress will need to approve these measures.

Sources: Ariane de Vogue, Jeremy Diamond and Kevin Liptak, "US President Donald Trump signs new travel ban, exempts Iraq," CNN, March 7, 2017; Bob Dane, "Davis-Oliver Act would make Trump's immigration agenda law of the land," The Hill, June 1, 2017; Josh Gerstein, "Trump Justice budget targets illegal immigration," Politico, May 23, 2017; Richard Wolf and Alan Gomez, "Supreme Court reinstates Trump's travel ban, but only for some immigrants," USA Today, June 26, 2017.



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.
- Feb 2015 ○ **Trans-Pacific Partnership signed:** The twelve member nations signed the historic trade deal, agreed to after 8 years of negotiations, beginning 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.
- 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.
- Mar 2017 ○ **Trade policy executive orders:** President Trump signs a pair of executive orders aimed at identifying foreign trade abuses. One order commissions a 90-day study of US trade deficits and the other orders stricter enforcement of anti-dumping laws.
- Apr 2017 ○ **Steel probe executive order:** Trump signed an executive order expediting an investigation of steel imports initiated by the Commerce Department.
- May 2017 ○ **Trump launches NAFTA renegotiation:** The administration sent a letter to Congress officially starting the 90-day waiting period before NAFTA renegotiations can begin.

Potential actions in 115th Congress

- NAFTA renegotiations are expected to begin in late-August
- 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: 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 Behsudi, "U.S., Japan to start special trade dialogue," Politico, February 10, 2017; Julia Manchester, "Trump walks out before signing executive orders," CNN, March 31, 2017; Doug Palmer, "Probe could lead to duties on all steel imports," Politico, April 20, 2017; Doug Palmer, "Trump backs off NAFTA withdrawal," Politico, April 26, 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:** The president is required to quarterly keep Congress informed Iranian compliance — if Iran breaches the agreement or the president fails to issue a quarterly certification, Congress can restore sanctions
- July 2015 ○ **Deal Reached with Iran/Finalization Day:** On July 14, the White House announced a deal with Iran. 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. Iran begins to shift its nuclear program to comply with the terms of the deal, and have sanctions relieved
- 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
- April 2017 ○ **Trump administration announces a review of the Iran Nuclear Deal:** The State Department acknowledged that Iran has been compliant with the nuclear accords; however, the administration announced that it was launching an inter-agency review of whether the lifting of sanctions against Iran was in the United States' national security interests
- June 2, 2017 ○ **IAEA reports that Iran is compliant with the deal for 2nd straight quarter**
- June 15, 2017 ○ **The Senate votes 98-2 to impose new sanctions on Iran and Russia:** The bill adds new sanctions to Iran's ballistic missile program; the House did not take up the bill until a constitutional error was fixed and the bill re-passed by unanimous consent

Potential actions in 115th Congress

- New sanctions legislation against Iran has amendments that would make permanent sanctions against Russia for its election meddling
- It is not certain that Trump would sign the bill, given that he has been vocal against Iran and its sponsorship of terrorist organizations but has been wary of provoking Russia
- The House will likely pass the sanctions legislation, which passed the Senate with a veto-proof majority (98-2)
- Transition Day, which will be October 20, 2023, is when the IAEA determines that all nuclear material in Iran is for peaceful purposes
- UNSCR Termination Day will be October 20, 2025

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; Lesley Wroughton, "U.S. says Iran complies with nuke deal but orders review on lifting sanctions," Reuters, April 19, 2017



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.
- 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.
- July 2017 ○ **Supreme Court announces that it will hear LGBT discrimination case:** The Court will weigh in on whether businesses can refuse service to LGBT couples on the basis of freedom of religion.

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%.
- May 2017 ○ **AHCA passed the House:** the GOP proposed replacement bill was passed in the House, but does not specifically target Medicare - Trump’s proposed budget also keeps Medicare funding intact
- June 2017 ○ **Senate introduces the Better Care Reconciliation Act:** Medicare is relatively untouched in the bill, while Medicaid funding gets slashed. Up until now the ACA repeal process seems to leave Medicare out, keeping Trump’s campaign promises on Medicare still intact

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 has not expressed a clear plan for Medicare reform since the election
- Trump’s budget request did not include any cuts to Medicare, but that is subject to change under Congress

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 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.
- April 2017 ○ **Trump administration's tax plan:** The White House released an outline of a tax reform plan, featuring three tax brackets and a 15% corporate tax rate

Potential actions in 115th Congress

- The House Ways and Means Committee is drafting tax reform legislation, expected to emerge in September
- Paul Ryan will need to reconcile the differences between the House GOP plan and President Trump's recently released proposals; without the White House's blessing, any tax legislation would likely lack the votes to pass Congress
- Senate Majority Leader Mitch McConnell (R-KY) has stated that tax reform will likely need to be passed through budget reconciliation rather than as a bipartisan bill
- National Economic Council Director Gary Cohn says the White House prefers comprehensive tax reform but would consider passing a separate bill of only tax cuts
- The White House is expected to release a detailed tax reform plan to Congress in September

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; Margaret Talev, "White House: Cohn-led tax plan is real and it's phenomenal," Bloomberg, February 10, 2017; Rachael Bade and Josh Dawsey, "Ryan likely to get rolled on tax reform," Politico, April 25, 2017; Aaron Lorenzo, "White House to give detailed tax reform plan to Congress in September, Cohn says," Politico, June 2, 2017.



Technology

Timeline of key recent federal actions on technology

- 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
- Apr 2017 ○ **S.J.Res. 34:** Under the Congressional Review Act, this resolution was passed by both the House and the Senate and signed by President Trump, repealing FCC broadband privacy rules and removing privacy oversight from the agency
- May 1, 2017 ○ **President Trump issues an executive order establishing the American Technology Council,** with the goal of modernizing government IT
- May 17, 2017 ○ **Modernizing Technology Act of 2017:** H.R. 2227, which would start the process of updating federal information technology systems, passed the House
- May 23, 2017 ○ The Trump administration has circulated a draft that would allow any head of an executive department or agency to **monitor, track, disable or destroy drones that could pose a security threat** in special protection-designated areas

Potential actions in 115th Congress

- Sen. John Thune (R-SD) reintroduced the MOBILE NOW Act (S. 19), which requires the FCC and NTIA to reserve a certain amount of spectrum for wireless broadband use and speed up 5G infrastructure
- The Email Privacy Act (H.R. 387), amending the Electronic Communications Privacy Act of 1986, passed the House
- Rep. Bob Latta (R-OH) introduced H.R.1754 to reconcile the regulatory gap caused by S.J. Res. 34
- Rep. Marsha Blackburn (R-TN) is additionally seeking out Democrats to cosponsor her bill addressing Internet privacy, the Browser Act
- Senator Coons, Cotton, Durbin and Hirono introduced the STRONGER Patents Act aimed at making the patent process more efficient
- The House is also focusing on autonomous car legislation, discussing 14 draft bills on the subject in June

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.