

# Legislative Forecast for the 115th Congress

**August 3, 2017**

**Producers**

*Owen Minott, Christine Yan, Justin Brown, Claire Carter, Madelaine Pisani, Claire Garney, Shruthi Ashok, Katy Pentz, Michael Brady, Adriana Morton, Adam Aldrich & Taryn MacKinney*

**Director**

*Alistair Taylor*



# 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
- Medical research funding
- Medicare\*
- Opioid abuse and heroin epidemic
- 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
- Mental health
- 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 115<sup>th</sup> Congress

Jan	Feb	Mar	April	May	June	July	Aug	Sep	Oct	Nov	Dec
Beginning of 115 <sup>th</sup> 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 <sup>th</sup> 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 BCRA failed to pass the Senate, it is unclear whether Republicans will push a vote on another repeal 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 September 2017, the debt ceiling is expected to be raised
- Energy & Environment:** Negotiations for a comprehensive energy bill are expected to resume in the 115<sup>th</sup> Congress
- Financial Regulation:** Despite the passage of the CHOICE Act in the House in June, analysts say it is unlikely move forward in the Senate in its current form
- Immigration:** The Supreme Court has agreed to weigh in on Trump's travel ban
- Iran nuclear deal:** Trump reportedly has assigned a team to develop a case within the next three months that Iran has violated the agreement
- Medicare:** Congressional Republicans have expressed an interest in reforming Medicare and turning it into a "premium support" system
- Tech:** The Trump administration is working 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. 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. It includes an amendment to allow states to waive some of the ACA's insurance regulations.
- April 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.
- May 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.
- July 2017 **BCRA fails Senate vote:** After motion to proceed passed, full repeal without replacement, BCRA and 'skinny repeal' all failed to pass. Senators Susan Collins, Lisa Murkowski and John McCain voted no.

### Potential actions in 115<sup>th</sup> 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
- The "Problem Solvers" caucus in the House has been working on a bipartisan path forward for health care reform
- Even though the BCRA was shot down in the Senate, GOP leadership could bring back health care reform

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.
- July 2017 ○ **House Appropriations Committee passes all appropriations bills:** The House Appropriations Committee completed its task of drafting and approving all appropriations bills.
- July 2017 ○ **House passes four approps. bills through the "Department of Defense Appropriations Act":** The legislation (H.R. 3219) was passed on a vote of 235-192 and provides funding for four of the 12 annual approps. bills: Defense, MilCon-VA, Energy & Water, and Legislative Branch.
- July 2017 ○ **Senate Appropriations Committee passes six appropriations bills:** The full committee approved the following bills during the month of July: Agriculture, Commerce/Justice/Science, Energy & Water, Legislative Branch, MilCon-VA and Transportation/HUD.

### Potential actions in 115<sup>th</sup> 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 has yet to vote on its first appropriations bill
- Congress has 12 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.



# Criminal justice reform

## Timeline of key recent federal actions on criminal justice reform

- 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
- Aug. 1, 2017 ○ **Cory Booker introduced the Marijuana Justice Act**  
The bill seeks to remove marijuana from the federal Controlled Substances Act and challenges states that have not legalized the drug, but have racially disproportionate incarceration and arrest rates by withholding some criminal justice funding

### Potential actions in 115<sup>th</sup> Congress

- In the 114<sup>th</sup> Congress there was some bipartisan support for reducing sentencing for certain crimes
- Some Republicans in the Senate led 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,” 114<sup>th</sup> Congress (2015–2016), October 2015; Jack Martinez, “Senators Announce Bipartisan Criminal Justice Reform Legislation,” Newsweek, October 1, 2015; Seung Min, Kim, “Compromise Struck on Criminal Justice Reform,” Politico, April 28, 2016; Mark Disler, “From intellectual property to criminal justice reform: what you need to know for the Judiciary Committees in the 115<sup>th</sup> Congress,” Prime Policy Group, December 16, 2016; Govtrack.us..



# Conflict in Iraq and Syria

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

- Apr 2017 ○ **Rep. Adam Schiff (D-CA) introduces a bill to authorize war against ISIS:** The new Authorization for the Use of Military Force (AUMF) would provide Congressional oversight over US military activities in Iraq and Syria
- Apr 2017 ○ **Defense Secretary Jim Mattis gains authority to set official troop levels:** President Trump delegates force management authority in Iraq and Syria to Secretary Mattis
- May 2017 ○ **The Consolidated Appropriations Act of 2017 becomes law:** Proposed by Rep. Paul Cook (R-CA) this Act grants funds to be used for countering ISIS and for development and diplomacy
- Jun 2017 ○ **US downs a Syrian fighter jet:** After ignoring calls to disengage, US forces down a government military plane, marking the fourth time the US skirmishes with Syrian government forces in the region
- Jul 2017 ○ **US and Russia agree to another cease-fire:** During the G-20 summit Trump and Putin come to a cease-fire agreement to be observed in southwestern Syria
- Jul 2017 ○ **NDAA introduced by Rep. Mac Thornberry (R-TX) passes the House:** Passing 344-81, this act would provide additional US support to train and equip Syrian fighters and other forces under Operation Inherent Resolve and to recover territory in Iraq and Syria
- Jul 2017 ○ **Sen. John McCain (R-AZ) introduces 2018 NDAA:** The senator from Arizona hoped to schedule a vote before the August recess, but Sen. Rand Paul (R-KY) stalled debate to secure votes on amendments repealing the 2002 Iraq War AUMF and indefinite detention
- Jul 2017 ○ **House passes defense appropriations for FY18 with amendment revoking 2001 AUMF:** The bill gives \$658.1 billion to the Department of Defense including \$73.9 billion in Overseas Contingency Operations/Global War on Terror funding

### Potential actions in 115<sup>th</sup> Congress

- It is still unclear when the vote for the Senate 2018 NDAA will be scheduled, but both Senate Majority Leader Mitch McConnell (R-KY) and Minority Leader Chuck Schumer (D-NY) expressed a desire to accommodate Sen. McCain's schedule following his diagnosis with cancer. The CBO director says the score of the Senate version of the bill will be released soon
- According to an algorithm using congressional data from 1993, the House NDAA proposed by Rep. Thornberry has a 52% chance of being enacted, while the Senate version introduced by McCain has a 54% of being enacted
- The defense appropriations amendment proposed by Rep. Barbara Lee (D-CA), the only member of Congress to vote against the initial AUMF of September 2001, is likely to spark debate in the Senate



# Cybersecurity

## Timeline of key recent federal actions on cybersecurity

- 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.
- July 27, 2017 ○ The **House Science, Space and Technology Committee** sent letters to 22 government agencies requesting information on Kaspersky Lab and use of its software as part of their investigation into the antivirus company.
- Aug. 1 2017 ○ Senators from both parties submitted a bill titled the Internet of Things **Cybersecurity Improvement Act of 2017** (IoT-CIA) that would create a set of standards for devices in U.S. government networks.
- Aug. 2 2017 ○ The Senate Commerce, Science and Transportation Committee approved a final version of legislation that would update and expand an existing **federal cybersecurity scholarship program** through the National Science Foundation.

### Potential actions in 115<sup>th</sup> 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: 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; Edward Graham, "Lawmakers rethink federal use of Kaspersky Lab products," Morning Consult, July 31, 2017; Nicholas Weaver, "The Internet of Things Cybersecurity Improvement Act: A good start on IoT security," Lawfare blog, August 2, 2017; Morgan Chalfant, "Senate panel advances bill to boost federal cyber scholarships," The Hill, August 2, 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 115<sup>th</sup> Congress

- Office of Management and 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
- Treasury Secretary Steven Mnuchin supports a “clean” debt ceiling bill, while Mick Mulvaney and some conservatives in Congress favor tying entitlement reform and spending cuts to raising the debt limit
- Mnuchin has told Congress that the debt limit must be raised by September 29; since the House is already in recess, it will be a top priority once Congress is back in session

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 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.
- July 2017 **House passes Defense Appropriations Act for FY18:** Appropriations total \$658.1 billion for the Department of Defense, and the bill included a proposed amendment revoking the AUMF issued after the 9/11 attacks

### Potential actions in 115<sup>th</sup> Congress

- The 2001 AUMF repeal amendment, attached to the House Defense appropriations bill, is expected to generate debate as it moves to the Senate
- According to an algorithm developed by John Nay that uses congressional data from 1993, the House Defense Appropriations Act for FY18 has a 66% chance of passing the Senate and being signed into law

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; H.R. 3219—115<sup>th</sup> Congress, GovTrack.us.



# 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 115<sup>th</sup> 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

- 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; EPA announces new rules for the Toxic Substance Control Act that detail prioritization and risk evaluation rules
- June 21, 2017 ○ Senators Murkowski (R-AK) and Cantwell (D-WA) introduced legislation that mirrors the comprehensive energy bill from 2016 and it was fast-tracked by Majority Leader McConnell

## Potential actions in 115<sup>th</sup> Congress

- The Energy and Water Appropriations bill passed with a 'minibus' in the House, but still needs to be approved by the Senate
- 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 DOE and EPA, 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 by opening it for public comment
- The energy bill was fast-tracked, which means it will bypass committee and will likely receive a floor vote in the early fall

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
- 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
- July 31, 2017 ○ **Chairman Conaway announces Agriculture Committee will begin work:** The chairman stated that within the next eight weeks work would begin on the farm bill negotiations

### Potential actions in 115<sup>th</sup> 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

- April 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
- April 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
- 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
- June 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
- June 2017 ○ **Flood reform**: The House Financial Services Committee passes the National Flood Insurance Program Policyholder Protection Act of 2017 and the 21<sup>st</sup> Century Flood Reform Act of 2017
- July 2017 ○ **CFPB arbitration rule**: The CFPB adopted a new rule that bans companies from using mandatory arbitration clauses to deny consumers the opportunity to file joint class-action lawsuits against financial institutions
- July 29, 2017 ○ **Debt-ceiling**: Treasury Secretary Steven Mnuchin set a deadline to raise the debt ceiling at Sept. 29 — the last weekday of fiscal year 2017

### Potential actions in 115<sup>th</sup> Congress

- 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 the US reaches Trump's target growth rate of 3%
- The House voted to repeal the CFPB arbitration rule; Sen. Mike Crapo (R-ID) has co-sponsored similar legislation in the Senate
- Despite the passage of the CHOICE Act in the House in June, analysts say it is unlikely to move forward in the Senate in its current form

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; J.D. Prose, "Rothfus' legislation would overturn 'anit-consumer' rule," The Times, July 31, 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) and are later blocked by judges.
- 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.
- June 29, 2017 ○ The House passes the **No Sanctuary for Criminals Act** with a vote of 228-195, which would punish "sanctuary cities" by cutting off access to federal grants. The same day, the House passes **Kate's Law** with a vote of 257-167, which would impose tougher sentences on offenders who were previously deported and returned to the U.S. illegally.
- August 2, 2017 ○ President Trump, Sen. Tom Cotton (R-AR) and Sen. David Perdue (R-GA) introduced a revised and expanded bill known as the **RAISE Act** that would halve the number of people who can receive legal permanent residence and move the U.S. to a "merit-based" system rather than one based on family ties.

## Potential actions in 115<sup>th</sup> 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.
- 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.
- The House has passed Kate's Law and the No Sanctuary for Criminals Act, but Senate Majority Leader Mitch McConnell has not stated if they will be on the Senate agenda this fall.

Sources: 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; Priscilla Alvarez, "Could Trump's immigration agenda ever get through Congress?," the Atlantic, July 28, 2017; Jordan Fabian and Jordain Carney, "Trump, GOP senators unveil measure to cut legal immigration," The Hill, August 2, 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 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 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**
- June 2017 ○ **IAEA reports that Iran is compliant with the deal for 2<sup>nd</sup> straight quarter**
- July 2017 ○ **Trump reluctantly recertifies Iran nuclear deal and signs Iran and Russia sanctions bill:** After the Senate voted 98-2 to impose new sanctions on Iran and Russia, President Trump signed the new sanctions into law, but called the bill "flawed" and declared that a number of the provisions were unconstitutional. In retaliation, Russian President Vladimir Putin has forced the US to cut its embassy and consulate staff in Russia by 755 people.

### Potential actions in 115<sup>th</sup> Congress

- 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
- Trump may still attempt to undermine the Iran nuclear deal; after recertifying the deal, Trump reportedly assigned a team to develop a case within the next three months that Iran has violated the agreement

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; Jana Winter, Robbie Gramer and Dan De Luce; Trump assigns White House team to target Iran nuclear deal, sidelining state department," Foreign Policy, July 21, 2017.





# International trade

## Timeline of key recent federal actions on international trade

- 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 on trade. Trump's advisers hope to negotiate a bilateral trade deal with Japan, which was the only country to ratify the TPP.
- 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.
- July 2017 ○ **US Trade Rep. Lighthizer begins talks with the UK:** The USTR met with British International Trade Secretary Liam Fox for the first meeting of the US-UK Trade and Investment Working Group to discuss potential bilateral trade agreements following Brexit.

## Potential actions in 115<sup>th</sup> Congress

- The first round of NAFTA negotiations will take place August 16-20 in Washington, D.C.
- Trump's outlined goals include:
  - Reducing the trade deficit
  - Adding a digital economy chapter
  - Incorporating labor and environmental obligations from NAFTA side agreements
  - Eliminating restrictions on intellectual property
- Trump has the power to negotiate tariffs on specific goods without congressional approval, but more substantial changes to NAFTA may have to pass through Congress
- President Trump has indicated a willingness to withdraw from NAFTA if a satisfactory agreement isn't reached
- Trump is also expected to withdraw from the TTIP negotiations with the EU
- The administration is drafting trade measures against China focused on limiting intellectual-property theft and requirements that US companies share technology to trade in China

Source: "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; 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; Doug Palmer, "Probe could lead to duties on all steel imports," Politico, April 20, 2017; "Joint Release by USTR Ambassador Lighthizer and UK International Trade Secretary Dr. Liam Fox," July 24, 2017, USTR; "USTR Releases NAFTA Negotiating Objectives," July 17, 2017, USTR; Jacob Schlesinger and Bob Davis, "U.S. Plans Trade Measures Against China," August 1, 2017, Wall Street Journal.



# 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 ○ **Trump bans transgender people from the military:** In a series of tweets, President Trump announced that transgender people will not be allowed to serve in the military, citing the "tremendous medical costs and disruption." A few days later, the Justice Department filed a brief arguing against LGBT protections in the workplace under Title VII.

## Potential actions in 115<sup>th</sup> 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
- In July the Supreme Court announce that it will weigh in on whether businesses can refuse service to LGBT couples on the basis of freedom of religion

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.



# Medical research funding

## Timeline of key recent federal actions on the 21<sup>st</sup> Century Cures Act

- May 19, 2015 ○ **21<sup>st</sup> Century Cures Act introduced:** 21<sup>st</sup> Century Cures Act is a bipartisan bill aimed at reforming the clinical trial process and providing mandatory funding for the NIH and the FDA over the next five years, via budget offsets.
- July 2015 ○ **House passed H.R. 6 the 21<sup>st</sup> Century Cures Act:** The bill passed the House by a vote of 344-77 with twelve abstentions in a bipartisan effort led by House Energy and Commerce Committee Chairman Fred Upton (R-MI) and Ranking Member Diana DeGette (D-CO).
- October 2015 ○ **21<sup>st</sup> Century Cures Act passed Senate by unanimous consent:** 21<sup>st</sup> Century Cures Act was amended by Senate Commerce, Science and Transportation Committee and passed unanimously. Bill was sent back to House to resolve differences.
- Nov 2016 ○ **Differences on 21<sup>st</sup> Century Cures Act are resolved in the House:** 21<sup>st</sup> Century Cures act with amendments passed by Senate is passed in the House by a vote of 392-26
- Dec 2016 ○ **Senate passed H.R. 34 the 21<sup>st</sup> Century Cures Act:** The bill passed the Senate by a vote of 94-5 with one abstention. The bill will boost funding for medical research, ease the development and approval of experimental treatments and reform federal policy on mental health care.
- Dec 2016 ○ **H.R. 34 signed into law:** President signed 21<sup>st</sup> Century Cures Act into public law number 114-255.
- July 2017 ○ **H.R. 3495 introduced:** H.R. 3495 proposes amendments to the 21<sup>st</sup> Century Cures Act to appropriate funds for the Account for the State Response to the Opioid Abuse Crisis through fiscal year 2023.

### Actions in 115<sup>th</sup> Congress

- The 21<sup>st</sup> Century Cures Act was overwhelmingly passed by the Senate, with Sen. Warren (D-MA), Merkley (D-OR), Wyden (D-OR), Lee (R-UT) and Sanders (I-VT) voting against it
- H.R. 3495 was referred to the House Committee on Energy and Commerce. This committee will debate the bill, after which it may be sent on to the whole chamber

Sources: GovTrack.us; Congress.gov; American Association for Cancer Research; David Nather, "Landmark Effort to Speed Drug Approvals Nears Critical Phase in Congress," STAT, June 21, 2016; Sheila Kaplan, "Trump's victory is a likely roadblock to medical 'cures' package," STAT, November 14, 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%.
- 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 115<sup>th</sup> 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.



# Opioid abuse and heroin epidemic

## Timeline of key recent federal actions on the opioid abuse and heroin epidemic

- Mar 2016  **Senate passes Comprehensive Addiction and Recovery Act (CARA):** Passing the Senate 94-1, the bill authorizes, but does not appropriate funding for, programs to combat prescription opioid abuse and incentivizes states to approve naloxone, a drug that combats overdoses.
- Mar 2016  **CDC releases guidelines for prescribing opioids for chronic pain:** The CDC guidelines recommend that doctors try other pain relievers before prescribing opioids and that they give most patients only a few days supply. While the guidelines are nonbinding, they are the first national standard for prescribing opioid medications.
- May 2016  **House passed a divided CARA:** The House passed 18 pieces of bipartisan legislation to address the opioid drug crisis. The bills aim to combat the epidemic in a number of ways, including helping pregnant mothers who suffer from addiction, increasing access to naloxone, and creating a task force to establish guidelines for prescribing pain medication.
- July 2016  **President Obama signs CARA:** The conference was unsuccessful at providing funding. However, both houses passed the legislation and Obama signed the bill into law.
- May 2017  **President Trump signs Consolidated Appropriations Act of 2017:** H.R. 244 is signed into law, providing appropriations to the Veterans Health Administration Medical Services account for opioid and substance abuse prevention and treatment.
- May 2017  **FY 2018 Budget requests \$27.8 billion for drug control efforts:** The president's FY 2018 budget includes \$12.1 billion for drug prevention and treatment.
- July 2017  **FDA develops action plan to combat opioid epidemic:** FDA commits to working with advisory committees to make critical product and labeling decisions. The agency also aims to re-examine the benefits and risks associated with opioids, taking wider public health effects into consideration.

### Actions in 115<sup>th</sup> Congress

- CARA authorizes but does not appropriate funding for opioid treatment. The opioid crisis will likely receive proper funding in the appropriations process in the lame duck session
- The president's FY 2018 Budget includes \$27.8 billion for drug control efforts, \$12.1 billion of which is allocated to drug prevention and treatment
- Proposed GOP health care bills allotted as much as \$45 billion for opioid addiction treatment, an amount that addiction experts claimed was far too little to combat the growing epidemic
- In August 2017, President Trump's opioid commission urged Trump to declare a national public health emergency in order to combat the opioid crisis

Sources: National Journal Research 2016; Jordain Carney, "Senate passes opioid abuse bill," *The Hill*, March 10, 2016; Nadia Kounang, "Obama Announces New Moves to Fight Opioid and Heroin Abuse Epidemic," *CNN*, March 29, 2016; White House Office of the Press Secretary, "FACT SHEET: President Obama Proposes \$1.1 billion in New Funding to Address the Prescription Opioid Abuse and Heroin Use Epidemic," Press Release, Feb 2, 2016; SAMHSA, "Drug Addiction Treatment Act of 2000," Steven Mufson and Katie Zezima, "Obama announces new steps to combat heroin, prescription drug abuse," *Washington Post*, Oct 21, 2015; Nour Project, David Courey; Karoun Demirjian, "Did the House Weaken the Senate's Drug Abuse Bill? Rob Portman Thinks So," *The Washington Post*, April 27, 2016; Mary Ellen McIntire, "House Panel Get Set for 'Opioid Week' in Marathon Sessions," *Morning Consult*, April 28, 2016; James Arkin, "House Passes Bills to Combat Opioid Abuse," *Real Clear Politics*, May 12, 2016; Mary Ellen McIntire, "Senate's Opioid Bill Authors Advise Conferees on Final Bill," *Morning Consult*, June 28, 2016; FDA.gov; Congress.gov; Whitehouse.gov; Goodnough, "\$45 Billion to Fight Opioid Abuse? That's Much Too Little, Experts Say," *NYT*, June 30, 2017; Drash, "Opioid commission tells Trump to declare state of emergency," *CNN*, August 1, 2017.



# 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.
- 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
- Jun 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.
- Apr 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
- Jul 2017 ○ **Gang of six’s joint statement of principles:** Republican leadership from the White House, Senate and House released a five-paragraph-long statement outlining the principles behind upcoming tax reform. The statement contained few specifics, but leadership confirmed that the controversial border adjustment tax would not be included in the Republican reform bill

## Potential actions in 115<sup>th</sup> Congress

- White House Legislative Director Marc Short expects markups of a House bill to begin in early September. Under his timeline, he hopes to pass the bill through the House in October and the Senate in November — an aggressive timeline for a complex bill
- The gang of six, comprised of Republican leadership from the House, Senate and White House, still has to iron out differences between their plans. National Economic Council Director Gary Cohn has said he would like the corporate tax rate reduced to 15%, but Sen. Orrin Hatch (R-UT) has stated publicly that reducing the current rate from 35% to 25% would be a challenge
- 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, but Secretary of the Treasury Steve Mnuchin has been outspoken that he would like the bill to avoid the reconciliation process

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; Aaron Lorenzo, “White House sees tax reform zipping through Congress in October, November,” Politico, July 31, 2017.



# Technology

## Timeline of key recent federal actions on technology

- 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
- June 15, 2017 ○ **President Trump issues an executive order to expand apprenticeship programs** in order to bridge the skills gap caused by the increasingly high-tech nature of work

## Potential actions in 115<sup>th</sup> Congress

- The House Committee on Energy and Commerce unanimously passed the Highly Automated Vehicle Testing and Deployment Act of 2017
- The Senate Commerce Committee approved nine tech bills, including the DIGIT Act (S. 88), the Improving Rural Call Quality and Reliability Act (S. 96), Securing Access to Networks in Disasters Act (S. 102), the Digital Coast Act (S. 110), Kari's Law Act (S. 123), Spoofing Prevention Act (S. 134), FCC Consolidated Report Act (S. 174); Promoting Women in Entrepreneurship Act (H.R. 255) and the INSPIRE Women Act (H.R. 321)
- The Email Privacy Act (H.R. 387), amending the Electronic Communications Privacy Act of 1986, passed the House
- Rep. Lamar Smith (R-TX) introduced a bill to provide for the authorization of nongovernmental space activities
- Rep. Marsha Blackburn (R-TN) introduced H.R.2520 that would authorize the FTC to enforce information privacy protections that require broadband companies to allow users to opt in or out of disclosing their information

Sources: Congress.gov, 2017; 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; 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; "Presidential Executive Order Expanding Apprenticeships in America," *The White House*, June 15, 2017.